

CHAPTER 30.  
 VIRGINIA LEAD-BASED PAINT ACTIVITIES REGULATIONS.

PART I.  
 SCOPE.

18 VAC 15-30-10. Scope.

This chapter contains procedures and requirements for the accreditation of lead-based paint activities training programs ~~and providers;~~ procedures and requirements for the ~~certification~~ licensure of individuals and firms engaged in lead-based paint activities in target housing and child-occupied facilities; and standards for performing such activities. This chapter is applicable to all individuals and firms who are engaged in lead-based paint activities as defined in 18 VAC 15-30-20, except persons who perform these activities within residences which they own, unless the residence is occupied by a person or persons other than the owner or the owner's immediate family while these activities are being conducted or a child residing in the building has been identified as having an elevated blood-lead level.

PART II.  
 DEFINITIONS AND GENERAL REQUIREMENTS.

18 VAC 15-30-20. Definitions.

The following words and terms, when used in this chapter, shall have the following meaning unless the context clearly indicates otherwise:

"Abatement" or "abatement project" means any measure or set of measures designed with the expressed purpose of reducing or to permanently eliminate eliminating lead-based paint or lead-based paint hazards, ~~in accordance with standards proposed by the United States Environmental Protection Agency under Title IV of TSCA.~~ Such term Abatement includes; but is not limited to:

1. The removal of lead-based paint, lead-contaminated soil and lead-contaminated dust, the containment or encapsulation of lead-based paint, the replacement of lead-painted surfaces or fixtures, and ~~the removal or covering of lead-contaminated soil;~~ and
2. All preparation, cleanup, disposal, and post-abatement clearance testing activities associated with such measures. ~~Abatement shall be presumed for projects:~~
  - a. ~~For which there is a written contract stating that a firm will be conducting activities in or to a dwelling unit that will eliminate lead-based paint hazards.~~

~~b. Involving the elimination of lead-based paint or lead-contaminated soil.~~

~~c. Involving the elimination of lead-based paint or lead-contaminated soil and conducted by firms or individuals who, through their company name, promotional literature, or otherwise advertise or hold themselves out to be a certified firm.~~

~~3. Abatement shall include activities where an inspection has determined that lead-based paint is present and that sanding, scraping or abrading of lead-contaminated surfaces is likely to occur.~~

3. Specifically, abatement includes, but is not limited to:

a. Lead-based paint activities for which there is a written contract or other documentation, which provides that an individual or firm will be conducting activities in or to a residential dwelling or child-occupied facility that:

1. Shall result in the permanent elimination of lead-based paint hazards;  
or

2. Are designed to permanently eliminate lead-based paint hazards and are described in paragraphs 1 and 2 of this subsection.

b. Lead-based paint activities resulting in the permanent elimination of lead-based paint hazards, conducted by firms or individuals licensed in accordance with this chapter, unless such projects are covered by paragraph 4 of this subsection.

c. Lead-based paint activities resulting in the permanent elimination of lead-based paint hazards, unless such projects are covered by paragraph 4 of this subsection, or

d. Lead-based paint activities resulting in the permanent elimination of lead-based paint hazards, that are conducted in response to State or local abatement orders.

~~4. Abatement does not include renovation and remodeling, or landscaping activities whose primary intent is not to permanently eliminate lead-based paint hazards, but is instead to repair, restore, or remodel a given structure or dwelling, even though these activities may incidentally result in a reduction in lead-based paint hazards. Abatement does not include renovation, remodeling, landscaping or other activities, when such activities are not designed to permanently eliminate lead-based paint hazards, but instead, are designed to~~

1 repair, restore, or remodel a given structure or dwelling, even though these  
2 activities may incidentally result in a reduction or elimination of lead-based  
3 paint hazards. Furthermore, abatement does not include interim controls,  
4 operations and maintenance activities, or other measures and activities  
5 designed to temporarily, but not permanently, reduce lead-based paint  
6 hazards.

7  
8 "Accredited lead training program" means a ~~course of instruction which training~~  
9 ~~program that~~ has been approved by the ~~department~~ board to provide training for  
10 individuals ~~pertinent to~~ engaged in lead-based paint activities.

11  
12 "Accredited lead training provider" means a firm, individual, state or local  
13 government, or nonprofit training program that has met the requirements of this chapter  
14 and has been approved by the board to offer an accredited lead training program.

15  
16 "Applicant" means any person, as ~~defined by § 54.1-500 of the Code of Virginia,~~  
17 defined in this chapter who has applied for but has not been granted an interim  
18 certification license, a certification license or approval as an accredited lead training  
19 program or provider by the department board.

20  
21 "~~Area~~" means a ~~portion of a unit such as a room, closet, pantry, hall, or portion of~~  
22 ~~a room (such as the dining area of a kitchen/dining room).~~

23  
24 "~~Available~~" means ~~reachable by telephone, either directly or through a pager or~~  
25 ~~answering service, at all times when abatement activities are being conducted and able to~~  
26 ~~be present at the work site in no more than two hours.~~

27  
28 "Board" means the Virginia Board for Asbestos ~~Licensing~~ and Lead ~~Certification~~.

29  
30 "~~Certified contractor~~" means a firm which has been issued an authorization by the  
31 ~~department permitting the firm to enter into contracts to perform abatement activities.~~

32  
33 ~~—————"Certified inspector/risk assessor for target housing and public buildings" means~~  
34 ~~an individual who has been issued a certification by the department to perform~~  
35 ~~inspections and risk assessments for target housing and public buildings.~~

36  
37 ~~—————"Certified inspector technician for target housing and public buildings" means an~~  
38 ~~individual who has been issued a certification by the department to perform inspections~~  
39 ~~in target housing and public buildings.~~

40  
41 ~~—————"Certified lead worker for target housing and public buildings" means an~~  
42 ~~individual who has been issued a certification by the department to perform deleading,~~  
43 ~~lead removal, and demolition activities under the supervision of a certified supervisor on~~  
44 ~~target housing and public buildings.~~

45

1 ~~—————"Certified planner/project designer for target housing and public buildings" means~~  
2 ~~an individual who has been issued a certification by the department to plan and design~~  
3 ~~abatement projects in target housing and public buildings.~~

4  
5 ~~—————"Certified supervisor for commercial buildings and superstructures" means an~~  
6 ~~individual who has been issued a certification by the department to supervise lead based~~  
7 ~~paint abatement, to identify the presence of lead based paint, and to design abatement~~  
8 ~~projects on commercial and superstructures.~~

9  
10 ~~—————"Certified supervisor for target housing and public buildings" means an individual~~  
11 ~~who has been issued a certification by the department to supervise lead based paint~~  
12 ~~abatement projects on target housing and public buildings, and to design abatement~~  
13 ~~projects involving fewer than 10 units on target housing and public buildings.~~

14  
15 "Child-occupied facility" means a building, or portion of a building, constructed  
16 prior to 1978, visited regularly by the same child, six years of age or under, on at least  
17 two different days, within any week (Sunday through Saturday period), provided that  
18 each day's visit lasts at least three hours and the combined weekly visit lasts six hours,  
19 and the combined annual visits last at least 60 hours. Child-occupied facilities may  
20 include, but are not limited to, day-care centers, preschools and kindergarten classrooms.

21  
22 "Clearance levels" means values that indicate the maximum amount of lead  
23 permitted in dust on a surface following completion of an abatement activity.

24  
25 ~~"Commercial building" means any building used primarily for commercial or~~  
26 ~~industrial activity, which is generally not open to the public, or occupied or visited by~~  
27 ~~children including, but not limited to, warehouses, factories, storage facilities, aircraft~~  
28 ~~hangers, garages, and wholesale distribution facilities.~~

29  
30 "Common area" means a portion of a building generally accessible to all  
31 residents/users occupants, including, but not limited to, hallways, stairways, laundry and  
32 recreational rooms, playgrounds, community centers, garages and boundary fences.

33  
34 "Component or building component" means specific design or structural elements  
35 or fixtures of a building or residential dwelling or child-occupied facility which are  
36 distinguished from each other by form, function, and location. These include, but are not  
37 limited to, interior components such as ceilings; crown molding; walls; chair rails; doors;  
38 door trim; floors; fireplaces; radiators and other heating units; shelves; shelf supports;  
39 stair treads; stair risers; stair stringers; newel posts, railing caps, balustrades, windows  
40 and trim, including sashes, window heads, jambs, sills, ~~and stools~~, and troughs; built-in  
41 cabinets; columns; beams; bathroom vanities; counter tops and air conditioners, and  
42 exterior components such as painted roofing, chimneys, flashing, gutters and downspouts,  
43 ceilings, soffits, fascias, rake boards, corner-boards, bulkheads, doors and door trim,  
44 fences, floors, joists, lattice work, railings and railing caps, siding, handrails, stair risers  
45 and treads, stair stringers, columns, balustrades, window sills, casings, sashes, ~~and wells,~~  
46 stools and troughs; and air conditioners.

1  
2       “Containment” means a process to protect workers and the environment by  
3 controlling exposures to the lead-contaminated dust and debris created during an  
4 abatement.

5  
6       “Course agenda” means an outline of the key topics to be covered during a  
7 training course, including the time allotted to teach each topic.

8  
9       “Course test” means an evaluation of the overall effectiveness of the training  
10 which shall test the trainees' knowledge and retention of the topics covered during the  
11 course.

12  
13       “Course test blue print” means written documentation of identifying the  
14 proportion of course test questions devoted to each major topic in the course  
15 curriculum.

16  
17       ~~“Deleading” means activities conducted by a person who offers to eliminate lead-~~  
18 ~~based paint or lead based paint hazards or to plan such activities in commercial~~  
19 ~~buildings, bridges, or other structures or superstructures.~~

20  
21       ~~“Demolition” means the act of pulling down or destroying any building or~~  
22 ~~structure.~~

23  
24       “Department” means the Department of Professional and Occupational Regulation  
25 or any successor agency.

26  
27       “Deteriorated paint” means paint ~~which~~ that is cracking, flaking, chipping, or  
28 peeling or otherwise separating from a the underlying building component.

29  
30       “Discipline” means one of the specific types or categories of lead-based paint  
31 activity activities enumerated established in this chapter for which individuals must  
32 receive training from accredited lead training providers, as defined in this chapter, and  
33 become certified licensed by the department board. For example, “lead abatement  
34 worker in commercial buildings and superstructures” is a discipline.

35  
36       “Distinct painting history” means ~~the record of application, over time, of paint or~~  
37 ~~other surface coatings to a component of a building structure~~ application history, as  
38 indicated by its visual appearance or a record of application, over time, of paint or other  
39 surface coatings to a component or room.

40  
41       “Documented methodologies” means methods or protocols used to sample for the  
42 presence of lead in paint, dust, and soil.

43  
44       “Elevated blood-lead level (EBL)” means an excessive absorption of lead that is a  
45 confirmed concentration of lead in whole blood of 20 µg/dl (micrograms of lead per

1 deciliter of whole blood) for a single venous test or of 15-19 µg/dl in two consecutive  
2 tests taken three to four months apart.

3  
4 “Encapsulant” means a substance that forms a barrier between lead-based paint  
5 and the environment using a liquid-applied coating (with or without reinforcement  
6 materials) or an adhesively bonded covering material.

7  
8 ~~“Encapsulation” means the application of an encapsulant a process that makes~~  
9 ~~lead based paint inaccessible, by providing a barrier between the lead based paint and the~~  
10 ~~environment, with this barrier being formed using a liquid applied coating or an~~  
11 ~~adhesively bonded material, and when the primary means of attachment is by the bonding~~  
12 ~~of the product to the surface either by itself or through the use of an adhesive. This~~  
13 ~~excludes painting unless abrasive surface preparation is performed.~~

14  
15 “Enclosure” means the use of rigid, durable construction materials that are  
16 mechanically fastened to the substrate in order to act as a barrier between lead-based  
17 paint and the environment.

18  
19 "EPA" means the United States Environmental Protection Agency.

20  
21 “Financial interest” means financial benefit accruing to an individual or to a  
22 member of his immediate family. Such interest shall exist by reason of (i) ownership in a  
23 business if the ownership exceeds three percent of the total equity of the business, (ii)  
24 annual gross income that exceeds, or may be reasonably anticipated to exceed, \$1,000.00  
25 from ownership in real or personal property or a business, (iii) salary, other  
26 compensation, fringe benefits, or benefits from the use of property, or a combination  
27 thereof, paid or provided by a business that exceeds or may reasonably be expected to  
28 exceed \$1,000.00 annually, or (iv) ownership of real or personal property if the interest  
29 exceeds \$1,000.00 in value.

30  
31 "Firm" means any company, partnership, corporation, sole proprietorship,  
32 association, or other business entity.

33  
34 “Guest instructor” means an individual designated by the training program  
35 manager or principal instructor to provide instruction specific to the lecture, hands-on  
36 activities, or work practice components of a course.

37  
38 "Hands-on skills assessment" means an evaluation which tests the trainees' ability  
39 to satisfactorily perform specified the work practices and procedures satisfactorily  
40 identified in this chapter, as well as any other skills taught in a training course.

41  
42 "Hazardous waste" means any waste as defined in 40 CFR 261.3.

43  
44 ~~“Historical records” means documentation which identifies the material make up~~  
45 ~~(including brand, color type, lead content) and dates of application of paint and other~~

1 ~~surface coatings used in target housing, public and commercial buildings, and~~  
2 ~~superstructures.~~

3  
4 "HUD" means the United States Department of Housing and Urban  
5 Development.

6  
7 "Individual" means a single human being, not a firm or other group or  
8 organization.

9  
10 "Initial course" ~~or "initial training program"~~ means the course of instruction  
11 established by this chapter to prepare an individual for ~~certification~~ licensure in a single  
12 discipline.

13  
14 "Inspection" means a surface-by-surface investigation ~~for to determine the~~  
15 presence of lead-based paint ~~conducted by a certified inspector technician or~~  
16 ~~inspector/risk assessor according to the procedures in this chapter and the provision of a~~  
17 report explaining the results of the investigation.

18  
19 ~~"Interim certification" means an authorization issued by the department to an~~  
20 ~~individual who has applied to the department and been found qualified but has not passed~~  
21 ~~the required examination.~~

22  
23 "Interim controls" means a set of measures designed to ~~reduce temporarily~~ reduce  
24 human exposure or likely exposure to lead-based paint hazards, including specialized  
25 cleaning, repairs, maintenance, painting, temporary containment, ongoing monitoring of  
26 lead-based paint hazards or potential hazards, and the establishment and operation of  
27 management and resident education programs.

28  
29 "Interim license" means the status of an individual who has successfully  
30 completed the appropriate training program in a discipline from an accredited lead  
31 training provider, as defined by this chapter, and has applied to the board, but has not yet  
32 received a formal license in that discipline from the board. Each interim license expires  
33 six months after the completion of the training program, and is equivalent to a license for  
34 the six-month period.

35  
36 ~~"Lead-containing substance" means any coating, paint, plaster or surface~~  
37 ~~encapsulation material containing more than 0.5% lead by weight of dry film or more~~  
38 ~~than one milligram of lead per square centimeter of dry film, or other materials meeting~~  
39 ~~standards that are consistent with applicable federal regulations. (NOTE: OSHA~~  
40 ~~regulations may have a different standard.)~~

41  
42 "Lead-based paint" means paint or other surface coatings that contain lead equal  
43 to or in excess of 1.0 milligrams per square centimeter or more than 0.5 percent by  
44 weight.

1 "Lead-based paint activities" means ~~(1) in the case of target housing, risk~~  
2 ~~assessment, inspection, planning, project designing design and abatement as defined in~~  
3 ~~this chapter that affects or relates to target housing and child-occupied facilities.~~ and (2) in  
4 ~~the case of any public building constructed before 1978, commercial building, bridge, or~~  
5 ~~other structure or superstructure, identification of lead based paint and materials~~  
6 ~~containing lead based paint, deleading, removal of lead from bridges, and demolition.~~

7  
8 "Lead-based paint hazard" means any condition that causes exposure to lead from  
9 lead-contaminated dust, lead-contaminated soil, or lead-contaminated paint that is  
10 deteriorated or present in accessible surfaces, friction surfaces, or impact surfaces that  
11 would result in adverse human health effects as identified by EPA, pursuant to Toxic  
12 Substances Control Act (TSCA) section 403.

13  
14 "Lead-contaminated dust" means surface dust in residential dwellings, or child-  
15 occupied facilities that contains an area or mass concentration of lead at or in excess of  
16 levels identified by EPA, pursuant to TSCA section 403.

17  
18 "Lead-contaminated soil" means bare soil on residential ~~or~~ real property and on  
19 the property of a child-occupied real property facility that contains lead at or in excess of  
20 the levels determined to be hazardous identified by EPA, to be hazardous pursuant to  
21 Toxic Substances Control Act (TSCA) section 403.

22  
23 "Lead-hazard screen" means a limited risk assessment activity that involves  
24 limited paint and dust sampling as defined in this chapter.

25  
26 "Licensed lead abatement supervisor" or "lead supervisor" means an individual  
27 who has met the requirements of this chapter, and has been licensed by the board to  
28 supervise and conduct abatements, and to prepare occupant protection plans and  
29 abatement reports.

30  
31 "Licensed lead abatement worker" or "lead worker" means an individual who has  
32 met the requirements of this chapter and has been licensed by the board to perform  
33 abatements under the supervision of a licensed lead supervisor.

34  
35 "Licensed lead inspector" or "lead inspector" means an individual who has met  
36 the requirements of this chapter, and has been licensed by the board to conduct lead  
37 inspections. A licensed inspector may also sample for the presence of lead in dust and  
38 soil for the purposes of abatement clearance testing.

39  
40 "Licensed lead abatement contractor" or "lead contractor" means a firm which  
41 has met the requirements of this chapter, and has been issued a license by the board to  
42 perform lead-based paint activities.

43  
44 "Licensed lead project designer" or "lead project designer" means an individual  
45 who has met the requirements of this chapter, and has been licensed by the board to  
46 prepare abatement project designs, occupant protection plans, and abatement reports.

1  
2 “Licensed lead risk assessor” or “lead risk assessor” means an individual who has  
3 met the requirements of this chapter, and has been licensed by the board to conduct lead  
4 inspections and risk assessments. A licensed risk assessor may also sample for the  
5 presence of lead in dust and soil for the purposes of abatement clearance testing.  
6

7 “Living area” means any areas of a ~~target housing unit most often frequented by~~  
8 children under the age of 6 residential dwelling used by one or more children age six and  
9 under, including, but not limited to, living rooms, kitchen areas, dens, play rooms, and  
10 children's bedrooms.  
11

12 “Multi-family dwelling” means target housing that contains more than one  
13 separate residential dwelling unit, in which one or more units is used or occupied, or  
14 intended to be used or occupied, in whole or in part, as the home or residence of one or  
15 more persons.  
16

17 “OSHA” means the U.S. United States Department of Labor, Occupational Safety  
18 and Health Administration.  
19

20 “Paint in poor condition” means more than ten square feet of deteriorated paint on  
21 exterior components with large surface areas; or more than two square feet of  
22 deteriorated paint on interior components with large surface areas (e.g. walls, ceilings,  
23 floors, doors); or more than ten percent of the total surface area of the component is  
24 deteriorated on the interior or exterior components with small surface area (e.g. window  
25 sills, baseboards, soffits, trim).  
26

27 “Permanently covered soil” means soil which has been separated from human  
28 contact by the placement of a barrier consisting of solid, relatively impermeable material,  
29 such as pavement or concrete. Grass, mulch and other landscaping materials are not  
30 considered permanent covering.  
31

32 “Person” means any natural or judicial person including any individual,  
33 corporation, partnership, or association; any Indian Tribe, State or political subdivision  
34 thereof; any interstate body; and any department, agency, or instrumentality of the federal  
35 government.  
36

37 “Principal instructor” means the individual who has the primary responsibility for  
38 organizing and ~~delivering~~ teaching a particular course.  
39

40 “Project design” means any descriptive form written as instructions or drafted as a  
41 plan describing the construction or set-up of a lead abatement project area and work  
42 practices to be utilized during the lead abatement project.  
43

44 ~~“Public building” means any building constructed prior to 1978, except target~~  
45 ~~housing, which is generally open to the public or occupied or visited by children~~  
46 ~~including, but not limited to, schools, daycare centers, museums, airport terminals,~~

1 ~~hospitals, stores, restaurants, office buildings, convention centers, and government~~  
2 ~~buildings.~~

3  
4 "Recognized laboratory" means any environmental laboratory recognized by the  
5 EPA as being capable of performing an analysis for lead compounds in paint, soil, and  
6 dust.

7  
8 "Reduction" means measures designed to reduce or eliminate human exposure to  
9 lead-based paint hazards through methods including interim controls and abatement.

10  
11 "Refresher course" or "refresher training program" means the course of accredited  
12 instruction established by this chapter which must be periodically completed as set out in  
13 this chapter to maintain an individual's certification license in a single discipline.

14  
15 "Regulant" means any person, as defined by § 54.1-500 of the Code of Virginia,  
16 who ~~is~~ has been issued and holds a currently valid a certification license or an approval  
17 by the board as an accredited lead training program or accredited lead training provider  
18 under this chapter.

19  
20 "Residential dwelling" means (i) target housing that is a detached single-family  
21 dwelling, including attached structures such as porches and stoops or (ii) target housing  
22 that is a single-family dwelling unit in a structure that contains more than one separate  
23 residential dwelling unit, which is used or occupied, or intended to be used or occupied,  
24 in whole or in part, as the home or residence of one or more individuals.

25  
26 "Risk assessment" means ~~an on-site investigation conducted by a certified~~  
27 ~~inspector/risk assessor according to the procedures in this chapter to determine the~~  
28 ~~existence, nature, severity and location of lead-based paint hazards, and the provision to~~  
29 ~~the property owner/occupant of a report explaining the results of the investigation and~~  
30 ~~providing options for reducing lead-based paint hazards with a rationale for those~~  
31 ~~options. (i) an on-site investigation to determine the existence, nature, severity, and~~  
32 ~~location of lead-based paint hazards, and (ii) the provision of a report by the individual~~  
33 ~~or the firm conducting the risk assessment, explaining the results of the investigation and~~  
34 ~~options for reducing lead-based hazards.~~

35  
36 "Superstructure" means ~~a large steel or other industrial structure including, but not~~  
37 ~~limited to, bridges or water towers which may contain lead-based paint.~~

38  
39 "Target housing" means any housing constructed prior to 1978 ~~except for housing~~  
40 ~~for the elderly or persons with disabilities (unless any child who is less than six years of~~  
41 ~~age resides or is expected to reside in such housing for the elderly or persons with~~  
42 ~~disabilities) or any 0 bedroom dwelling. Housing for the elderly, housing for persons  
43 with disabilities or any zero-bedroom dwelling is not subject to these regulations, unless a  
44 child who is six years of age or under resides in or is expected to reside in such housing.~~

1 "Training curriculum" means an established set of course topics ~~that provide~~  
2 ~~specialized knowledge and skills that must be taught in an accredited training program~~  
3 ~~for a particular discipline~~ for instruction in an accredited lead training program for a  
4 particular discipline designed to provide specialized knowledge and skills.

5  
6 "Training hour" means ~~the number of hours spent in training activities in an~~  
7 ~~accredited training program~~ at least 50 minutes of actual instruction, including, but not  
8 limited to, time devoted to lecture, learning activities, small group activities,  
9 demonstrations, evaluations, and/or hands-on experience.

10  
11 "Training manager" means the individual responsible for administering a training  
12 program and monitoring the performance of the ~~principal instructors, work practice~~  
13 ~~instructors, and guest instructors.~~

14  
15 "~~Train the trainer course~~" means ~~a 40-hour or longer course of study which~~  
16 ~~provides instruction in the planning and teaching of adult education courses.~~

17  
18 "TSCA" means the federal Toxic Substances Control Act, 15 USC § 2601 et seq.

19  
20 "~~Unit~~" means ~~a room or connected group of rooms used or intended to be used by~~  
21 ~~a single tenant or owner.~~

22  
23 "Visual inspection for clearance testing" means the visual examination of ~~the~~  
24 ~~abatement site~~ a residential dwelling or a child-occupied facility following an abatement  
25 ~~action for evidence that to determine whether or not~~ the abatement has been successfully  
26 completed as indicated by ~~the absence of visible residue, dust and debris.~~

27  
28 "Visual inspection for risk assessment" means the visual examination ~~of a unit of~~  
29 a residential dwelling or a child-occupied facility to ~~locate~~ determine the existence of  
30 ~~deteriorating paint~~ deteriorated lead-based paint or other potential sources of lead-based  
31 paint hazards.

32  
33 "Window sill" means the portion of the horizontal window ledge that protrudes  
34 into the interior of the room and is adjacent to the window sash when the window is  
35 closed.

36  
37 "Window stool" means the flat, horizontal molding fitted over the window sill, on  
38 the window interior, between jambs, which comes in contact with the bottom of the rail  
39 of the lower operating sash and the window sill.

40  
41 "Window well" means the portion of the horizontal ~~widow~~ window sill that  
42 receives the window sash when the window is closed, often located between the storm  
43 window and the interior window sash.

44  
45 "~~Work practice instructor~~" means ~~the individual who is responsible for teaching~~  
46 ~~particular skills in a specific course.~~

1  
2 18 VAC 15-30-30. ~~Certification~~ Licensure required.

3  
4 A. ~~It shall be unlawful for any person, as defined by § 54.1-500 of the Code of~~  
5 ~~Virginia, to engage or offer~~ Each person who engages in or offers to engage in  
6 any lead-based paint activities activity as defined in 18 VAC 15-30-20  
7 ~~without first possessing a valid certification issued by~~ shall first obtain a  
8 license from the department board.

9  
10 B. All ~~certifications~~ licenses must be specific for the discipline being performed.

11  
12 C. The department board shall issue a ~~certification~~ license as a lead abatement  
13 firm, lead abatement supervisor, lead abatement worker, lead inspector,  
14 ~~technician, inspector/lead~~ risk assessor, or planner/lead project designer to any  
15 person who applies and meets the qualifications specified in this chapter and  
16 who is not otherwise in violation of this chapter.

17  
18 18 VAC 15-30-40. Accreditation required.

19  
20 A. ~~It shall be unlawful for any person, as defined by § 54.1-500 of the Code of~~  
21 ~~Virginia, to~~ Each person who provide provides a training program or offers to  
22 provide a training program for any discipline of lead-based paint activity  
23 ~~without first possessing an interim approval or shall first obtain an approval~~  
24 ~~from the department board as an accredited lead training program provider.~~

25  
26 B. Accredited lead training programs providers shall offer and provide ~~only~~  
27 training only for the disciplines for which they are approved.

28  
29 C. The department board shall approve an accredited lead training program for  
30 any firm which applies and meets the qualifications specified in this chapter  
31 and who is not otherwise in violation of this chapter.

32  
33 18 VAC 15-30-41. Waiver of the requirements of this chapter.

34  
35 Except as required by law, the board may, in its reasonable discretion, waive any  
36 of the requirements of this chapter when in its judgement it finds that the waiver in no  
37 way lessens the protection provided by this chapter and Title 54.1 of the Code of Virginia  
38 Tonly o the public health, safety and welfare. The burden of proof which demonstrates  
39 continued public protection rests with the party requesting the waiver. Documents  
40 referenced are in effect as they existed as of the date the act or action has occurred.

41  
42 PART III.  
43 APPLICATION AND RENEWAL REQUIREMENTS.

44  
45 18 VAC 15-30-50. General.

1 A. ~~Individuals and firms~~ Each person desiring to be issued a ~~certification license~~  
 2 or accreditation shall apply on forms ~~supplied~~ provided by the department. ~~All~~  
 3 ~~requests for applications should be directed to:~~

- 4  
 5 ~~Assistant Director~~  
 6 ~~Virginia Board for Asbestos Licensing and Lead Certification~~  
 7 ~~Virginia Department of Professional and Occupational Regulation~~  
 8 ~~3600 West Broad Street~~  
 9 ~~Richmond, Virginia 23230-4917~~

10 B. Individual applicants shall be at least eighteen (18) years of age.

11  
 12 C. ~~The~~ Each application shall be completed according to the instructions provided  
 13 with the application form and shall be accompanied by the fee established in 18  
 14 VAC 15-30-160 of this chapter. ~~Incomplete applications will~~ shall not be  
 15 returned to the applicant; fees shall not be refunded ~~processed by the board.~~  
 16 Application fees pay the board's costs to evaluate applications and shall not be  
 17 refunded.

18  
 19 D. The applicant shall disclose the following information about himself in the  
 20 case of an individual, or about the firm and every member of the responsible  
 21 management of the firm in the case of a firm:

- 22  
 23 1. A conviction in any jurisdiction of any felony.  
 24  
 25 2. A conviction in any jurisdiction of any misdemeanor involving lying,  
 26 cheating and stealing, or of any misdemeanor for activities carried out  
 27 while engaged in the practice of environmental remediation.  
 28  
 29 3. Any disciplinary action taken in another jurisdiction in connection with  
 30 the applicant's environmental remediation practice including, but not  
 31 limited to, monetary penalties, fines, suspension, revocation, or  
 32 surrender of a license in connection with a disciplinary action.  
 33  
 34 4. Any current or previously held certifications, accreditations or licenses  
 35 issued by Virginia or any other jurisdiction.

36  
 37 E. Subject to the provisions of §54.1-204 of the Code of Virginia, The the board  
 38 may deny any application for certification licensure or accredited accreditation  
 39 as a lead training program provider when any of the parties listed above ~~has~~  
 40 have been convicted of any offense listed in this subsection or been the subject  
 41 of any disciplinary action listed in this subsection or been the subject of any  
 42 disciplinary action listed in ~~subsection 3~~ subdivision 3 of subsection D of this  
 43 section. Any plea of nolo contendere shall be considered a conviction for the  
 44 purposes of this subsection. ~~The record of a conviction or a disciplinary action~~  
 45 ~~authenticated in such form as to be admissible in evidence under the laws of~~  
 46 ~~the jurisdiction where convicted or disciplined.~~ A certified copy of a final

1 order, decree or case decision by a court or regulatory agency with the lawful  
 2 authority to issue such order shall be admissible as prima facie evidence of  
 3 such conviction or discipline.

4  
 5 ~~E. Incomplete applications shall be returned without action by the department.~~  
 6 ~~Application fees pay the department's costs to evaluate applications and shall~~  
 7 ~~not be refunded.~~

8  
 9 F. ~~The~~ Each applicant shall disclose his physical address for all licenses or  
 10 accreditations. A post office box shall not be acceptable.

11  
 12 G. The receipt of an application and the deposit of fees by the board ~~in no way~~  
 13 ~~does not~~ indicates approval by the department board.

14  
 15 H. Training requirements shall be verified by submittal to the board of the training  
 16 certificate issued by the accredited lead training provider for that course.

17  
 18 I. Education requirements shall be verified by submittal to the board on the  
 19 Degree Verification Form sent directly from the school.

20  
 21 J. Experience requirements shall be verified by resumes, letters of reference, or  
 22 documentation of work experience.

23  
 24 K. All persons seeking licensure or accreditation by the board shall have all  
 25 necessary occupational or professional licenses as required by Virginia statute  
 26 and local ordinance to transact the business of their profession and shall meet  
 27 the requirements of this chapter.

28  
 29 18 VAC 15-30-60.—~~Entry requirements for lead worker and planner/project designer.~~  
 30 ~~(Repealed.)~~

31  
 32 ~~Each applicant for lead worker and planner/project designer in target housing and~~  
 33 ~~public buildings and lead worker in commercial buildings and superstructures shall~~  
 34 ~~submit a completed application and a certification issued by a department approved~~  
 35 ~~accredited training program documenting successful completion of all training as~~  
 36 ~~required in Part IV (18 VAC 15 30 170 et seq.) of this chapter.~~

37  
 38 18 VAC 15-30-70.—~~Entry requirements for lead supervisor, inspector technician and~~  
 39 ~~inspector/risk assessor. (Repealed.)~~

40  
 41 ~~Each applicant for lead supervisor, inspector technician and inspector/risk~~  
 42 ~~assessor in target housing and public buildings and lead supervisor in commercial~~  
 43 ~~buildings and superstructures shall submit a completed application and documentation~~  
 44 ~~verifying experience and education as required in Part IV (18 VAC 15 30 170 et seq.) of~~  
 45 ~~this chapter in the following manner:~~

1           1. ~~Education requirements shall be verified by the applicant's educational~~  
 2 ~~institution through an official transcript.~~

3  
 4           2. ~~Experience requirements shall be verified as meeting the work experience~~  
 5 ~~requirements of this chapter through a letter describing the tasks performed signed by the~~  
 6 ~~employer or employers where the experience was obtained, a letter of reference from~~  
 7 ~~individuals with competent knowledge of the applicant's experience, copies of inspection~~  
 8 ~~reports prepared by the applicant, or a copy of a certification issued by another~~  
 9 ~~jurisdiction whose experience requirements are substantially equivalent to those required~~  
 10 ~~by this chapter.~~

11  
 12           3. ~~Lead specific training courses shall be verified through a certificate issued by a~~  
 13 ~~department accredited training program.~~

14  
 15           4. ~~Other forms of verification may be considered when it is impossible to obtain~~  
 16 ~~the above required documents. In no case shall a diploma be accepted for verification of~~  
 17 ~~education.~~

18  
 19 18 VAC 15-30-80. ~~Entry requirements for certified contractors.~~-(Repealed.)

20  
 21           Each applicant for certified contractor shall have all occupational and professional  
 22 licenses as required by Virginia statute and local ordinance to transact the business of a  
 23 lead abatement contractor and shall meet the requirements established by 18 VAC 15-30-  
 24 250.

25  
 26 18 VAC 15-30-90. ~~Entry requirements for accredited training programs.~~-(Repealed.)

27  
 28           Lead training providers shall have all occupational or professional licenses as  
 29 required by state statute and local ordinance to transact the business of a training provider  
 30 and shall meet the requirements of Parts VI (18 VAC 15-30-260 et seq.), VII (18 VAC  
 31 15-30-330 et seq.) and VIII (18 VAC 15-30-440 et seq.) of this chapter.

32  
 33 18 VAC 15-30-100. Expiration.

34  
 35           A. ~~Interim certifications licenses shall expire six months after the date of~~  
 36 ~~completion of the department approved initial or refresher accredited training~~  
 37 ~~program required by Part IV (18 VAC 15-30-170 et seq.) regulations and shall~~  
 38 ~~not be renewable from the last day of the month during which the individual~~  
 39 ~~completed the board approved initial or refresher accredited lead training~~  
 40 ~~program required by Part IV (18 VAC 15-30-170 et. seq.) of this chapter~~  
 41 ~~regardless of the date on which the board received the application for initial~~  
 42 ~~licensure or the date the board issued the license.~~

43  
 44           B. ~~The board may extend the expiration date of interim certifications for up to an~~  
 45 ~~additional six months if the required examination is not available. Interim~~  
 46 ~~licenses shall not be renewed or extended.~~

- 1  
2 C. Individual ~~certifications~~ licenses shall expire 12 months from the last day of  
3 the month wherein the individual completed the initial training program or  
4 refresher training program required by Part IV (18 VAC 15-30-170 et seq.) of  
5 this chapter ~~was completed~~, regardless of the date on which the board received  
6 the application for individual certification licensure ~~was received~~ or the date  
7 the ~~certification was~~ board issued by the ~~department~~ license. In no case shall  
8 an individual ~~certification~~ license expire later than the last day of the month  
9 which is 36 months after the date the individual completed the initial training  
10 program or most recent refresher training program ~~was completed~~.
- 11
- 12 D. Contractor ~~certifications~~ licenses shall expire 12 months from the last day of  
13 the month wherein issued.
- 14
- 15 E. Accredited lead training program ~~programs~~ approval shall expire 24 months  
16 from the last day of the month wherein ~~granted interim approval or~~ the board  
17 granted approval by ~~the department~~.

18  
19 18 VAC 15-30-110. Refresher training and individual ~~certification~~ license renewal.

- 20
- 21 A. Regulants desiring to maintain an individual ~~certification~~ license shall  
22 satisfactorily complete the refresher training program established by this  
23 chapter and assure that the ~~department~~ board receives documentation of  
24 satisfactory completion no later than the last day of the month which is 36  
25 months after the date of completion of the initial training program or refresher  
26 training program established by Part IV (18 VAC 15-30-170 et seq.) of this  
27 chapter and not less often than once each 36 months thereafter. In the case of  
28 a proficiency based course completion, refresher training is required every 60  
29 months instead of 36 months.
- 30
- 31 B. The ~~department~~ board shall renew an individual ~~certification~~ license for an  
32 additional 12 months upon receipt of a renewal application and fee in  
33 compliance with 18 VAC 15-30-140 and 18 VAC 15-30-160 of this chapter,  
34 provided that the regulant has complied with subsection A of this section. In  
35 no case shall an individual ~~certification~~ license expire later than the last day of  
36 the month which is 36 months, or in the case of proficiency based course 60  
37 months, after the initial training program or most recent refresher training  
38 program was completed.

39  
40 18 VAC 15-30-120. ~~Certified~~ Licensed contractor renewal.

41  
42 The ~~department~~ board shall renew a contractor ~~certification~~ license for an  
43 additional 12 months upon receipt of a renewal application and the renewal fee in  
44 compliance with 18 VAC 15-30-140 and 18 VAC 15-30-160 of this chapter.

45  
46 18 VAC 15-30-130. Accredited training program renewal.

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- A. ~~Accredited lead training programs providers~~ desiring to maintain their approval of their accredited lead training program shall cause the department board to receive the following statement ~~provided for in 18 VAC 15-30-320 A of this chapter~~ no later than ~~36~~ 48 months after the date of initial approval and not less often than once each ~~36~~ 48 months thereafter:
  - 1. The training provider’s name, address, and telephone number.
  - 2. A list of courses for which it is applying for re-accreditation.
  - 3. A statement signed by the training program manager which certifies that:
    - a. The course materials for each course meet the requirements of Part VIII (18 VAC 15-30-440 et seq.) of this chapter.
    - b. The training manager and principal instructors meet the qualifications listed in 18 VAC 15-30-340 of this chapter.
    - c. The training program manager complies at all times with all requirements of this chapter.
    - d. The quality control program meets the requirements noted in 18 VAC 15-30-410 of this chapter.
    - e. The record keeping requirements of this chapter will be followed.
- B. ~~The department board shall renew an accredited lead training program for an additional 24 months or until the date on which the statement provided for in 18 VAC 15-30-320 A is due, whichever is soonest, upon receipt of a renewal application and fee, provided that the accredited lead training provider is in compliance with 18 VAC 15-30-140 subsection A of this section.~~
- C. ~~When an accredited training program is renewed for less than 24 months because the statement provided for in 18 VAC 15-30-320 A has not been received, the department shall issue an accredited training program authorization valid for the remainder of the 24 month renewal period upon receipt of the statement provided for in 18 VAC 15-30-320 A. An audit by a board representative may be performed to verify the certified statements and the contents of the application before re-licensure is granted.~~

18 VAC 15-30-140. Renewal application.

- A. The ~~department~~ board shall mail a renewal notice to the regulant at the last known address. The notice shall outline the procedures for renewal and the

renewal fee amount. Failure to receive the notice shall not relieve the regulant of the obligation to renew.

- B. Prior to the expiration date shown on the ~~certification~~ license or approval, each regulant desiring to renew the ~~certification~~ license or approval shall return to the ~~department~~ board the renewal notice and the renewal fee. Documentation of refresher training programs for individuals and of the ~~statement-required~~ requirements in 18 VAC 15-30-320-A 18 VAC 15-20-130 A of this chapter for accredited lead training programs shall be sent to the ~~department~~ board ~~under separate cover~~.
- C. Should the regulant fail to receive the renewal notice, a ~~copy~~ photocopy of the current ~~certification~~ lead license or accredited lead training program approval may be substituted for the renewal notice and mailed with the required fee to the ~~department~~ board.
- D. Interim ~~certification~~ licensure shall not be ~~renewable~~ renewed or extended. Each applicant who wishes a second interim license must provide to the board evidence of having retaken and satisfactorily completed the initial training requirements and make a new application to the board.
- E. If the renewal fee is not received by the ~~department~~ board within thirty (30) days after the expiration date printed on the ~~certification~~ license or accredited lead training program approval, a late renewal fee shall be required in addition to the renewal fee.
- F. Any regulant who fails to renew his ~~certification~~ license or training program approval within six months after the expiration date on the ~~certification~~ license or approval, shall not be permitted to renew and shall apply as a new applicant.

18 VAC 15-30-150. Change of address or name.

Each licensed individual, licensed firm, and accredited lead training provider ~~regulant~~ shall notify the ~~department~~ board, in writing, of any change of address or name. This notification shall be sent to the ~~department~~ board within thirty (30) days of such relocation or name change.

18 VAC 15-30-160. Fees.

- A. The fee for an initial or a renewal of a lead abatement worker, lead abatement supervisor, lead inspector, technician, inspector/lead risk assessor, or planner/lead project designer ~~certification~~ license shall be ~~\$35~~ \$25.
- B. The renewal fee for an individual ~~certification~~ license not renewed within thirty (30) days after the expiration date on the ~~certification~~ license shall be \$50 which consists of the \$25 renewal fee and a \$25 late renewal fee.

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- C. The fee for an initial or a ~~renewal~~ renewed license ~~of for a certified lead abatement contractor certification~~ shall be \$5040.
- D. The renewal fee for a ~~certified licensed lead abatement~~ contractor not renewed within 30 days after the expiration date shall be \$10065 which consists of the \$40 renewal fee and a \$25 late renewal fee.
- E. The application fee for approval of an accredited lead training program shall be \$400 for each eight hours of course duration required by 18 VAC 15-30-380.
- F. The application fee for approval of an accredited lead refresher program shall be \$400, except for the project designer refresher, which shall be \$200.
- G. The renewal fee for an accredited lead training program shall be \$100 per course.
- H. The renewal fee for an accredited lead training program not renewed within thirty (30) days after the expiration date shall be \$125 per course which consists of the \$100 renewal fee and a \$25 late renewal fee.
- ~~H.I.~~ Fees for approval of an accredited lead training program shall not be imposed on any state, local government, or nonprofit training program.
- ~~I.J.~~ The examination fee shall consist of the administration expenses of the ~~department board~~ ensuing from the board's examination procedures and contract charges. Examination service contracts shall be established through competitive negotiations in compliance with the Virginia Public Procurement Act (§ 11-35 et seq. of the Code of Virginia). The ~~current~~ examination shall not exceed a cost of \$75 to the candidate.
- ~~J.K.~~ Applicants who submit a dishonored check will be charged a \$25 service fee in addition to the required application fee.

PART IV.  
INDIVIDUAL ~~CERTIFICATION~~ LICENSURE REQUIREMENTS.

18 VAC 15-30-170. ~~Certified Licensed lead abatement worker for target housing, superstructures and public and commercial buildings.~~

- A. ~~Applicants~~ Each applicant for lead abatement worker certification licensure in target housing, steel structures and public and commercial buildings shall provide comply with the application requirements established in 18 VAC 15-30-50 and include evidence of:

- 1            1. ~~Successful completion of a department board approved initial lead abatement~~
- 2                ~~worker course; or~~
- 3
- 4            2. ~~Successful completion of a lead worker training course between October 1,~~
- 5                ~~1990, and January 1, 1996, that is equivalent to a department approved lead~~
- 6                ~~worker course and successful completion of a department approved lead worker~~
- 7                ~~refresher course.~~
- 8
- 9            B. ~~The following lead worker course shall be deemed equivalent if completed~~
- 10               ~~between October 1, 1990, and January 1, 1996:~~
- 11
- 12           1. ~~Courses given by an EPA Model Training Institution.~~
- 13
- 14           2. ~~Courses that were at least two days in length and covered the required topics~~
- 15               ~~outlined in the EPA proposed lead regulations.~~
- 16
- 17           3. ~~The mandatory eight hour OSHA training for lead and 200 hours of lead~~
- 18               ~~abatement work experience.~~
- 19
- 20           4. ~~Courses given by the Steel Structures and Painting Counsel (SSPC).~~
- 21
- 22           18 VAC 15-30-180. ~~Certified Licensed lead planner/project designer for target housing~~
- 23               ~~and public buildings.~~
- 24
- 25           A. ~~Applicants~~ Each applicant for lead planner/project designer certification
- 26               ~~licensure in target housing and public buildings shall provide comply with the~~
- 27               ~~application requirements established in 18 VAC 15-30-50 and include evidence~~
- 28               ~~of:~~
- 29
- 30           1. ~~Successful completion of a department board-approved initial lead~~
- 31               ~~planner/project designer course and; successful completion of a board approved~~
- 32               ~~initial lead abatement supervisor course; or and~~
- 33
- 34           2. ~~Successful completion of a lead planner/project designer training course~~
- 35               ~~between October 1, 1990, and January 1, 1996, that is equivalent to a~~
- 36               ~~department approved lead planner/project designer course and successful~~
- 37               ~~completion of a department approved lead planner/project designer refresher~~
- 38               ~~course for target housing and public buildings.~~
- 39
- 40           A. Equivalency shall be determined on a case by case basis.
- 41
- 42           1. A bachelor's degree in engineering, architecture, or a related profession, and
- 43               one year experience in building construction and design or a related field; or
- 44           2. Four years of experience in building construction and design or a related field.
- 45

1 18 VAC 15-30-190.—~~Interim certified supervisor for target housing, superstructures and~~  
 2 ~~public and commercial buildings.~~ (Repealed.)

3  
 4 A. ~~Applicants for interim supervisor certification for target housing, steel~~  
 5 ~~structures and public and commercial buildings shall provide evidence of:~~

6  
 7 1. ~~One year experience as a lead abatement worker or two years experience in a~~  
 8 ~~related field or in the building trades, and successful completion of a~~  
 9 ~~department approved initial lead supervisor course; or~~

10  
 11 2. ~~Successful completion of a lead supervisor training course between October 1,~~  
 12 ~~1990, and January 1, 1996, that is equivalent to a department approved lead~~  
 13 ~~supervisor course or verification of on the job training equivalent, and~~  
 14 ~~successful completion of a department approved lead supervisor refresher~~  
 15 ~~course.~~

16  
 17 B. ~~The following lead supervisor courses shall be deemed equivalent if completed~~  
 18 ~~between October 1, 1990, and January 1, 1996:~~

19  
 20 1. ~~Courses given by an EPA Model Training Institution.~~

21  
 22 2. ~~Courses that were at least two days in length and covered the required topics~~  
 23 ~~outlined in the EPA proposed lead regulations.~~

24  
 25 3. ~~The mandatory eight hour OSHA training for lead and 200 hours of lead~~  
 26 ~~abatement work experience.~~

27  
 28 4. ~~Courses given by the Steel Structures and Painting Counsel (SSPC).~~

29  
 30 18 VAC 15-30-200.—~~Certified supervisor for target housing, steel structures and public~~  
 31 ~~and commercial buildings.~~ (Repealed.)

32  
 33 A. ~~Applicants shall comply with 18 VAC 15 30 190 and shall pass a department~~  
 34 ~~approved certification examination for supervisor in target housing and public~~  
 35 ~~buildings before the expiration of their interim certification.~~

36  
 37 18 VAC 15-30-190. Licensed lead abatement supervisor.

38  
 39 A. Each applicant for lead abatement supervisor licensure shall comply with  
 40 the application requirements established in 18 VAC 15-30-50 and include  
 41 evidence of:

42  
 43 1. Successful completion of a board approved initial lead abatement  
 44 supervisor course, and

- 1           2. One year experience as a licensed lead abatement worker or two years  
 2           experience in a related field (e.g. lead, asbestos or environmental  
 3           remediation) or in the building trades.  
 4
- 5        B. Each applicant shall pass a board approved licensing examination for  
 6        supervisors within 36 months after completion of the board approved lead  
 7        abatement supervisor initial training course or the board approved lead  
 8        supervisor refresher course.  
 9
- 10       C. Applicants who fail the examination three times must provide to the board  
 11       evidence, after the date of their third examination failure, of having  
 12       retaken and satisfactorily completed the initial training requirements and  
 13       make new application to the board. The applicant is then eligible to sit for  
 14       the examination an additional three times.  
 15
- 16       D. A licensed lead abatement supervisor may perform the duties of a licensed  
 17       lead abatement worker.  
 18

19 18 VAC 15-30-210.—~~Interim certified inspector technician for target housing and public~~  
 20 ~~buildings.~~ (Repealed.)  
 21

22        A. ~~Applicants for interim inspector technician certification in target housing and~~  
 23        ~~public buildings shall provide evidence of:~~  
 24

- 25        1. ~~Successful completion of a department approved initial lead inspector~~  
 26        ~~technician course; or~~  
 27
- 28        2. ~~Successful completion of a lead inspector technician course between October 1,~~  
 29        ~~1990, and January 1, 1996, that is equivalent to a department approved~~  
 30        ~~inspector technician course, and successful completion of a department-~~  
 31        ~~approved lead inspector technician refresher course.~~  
 32

33        B. ~~The following shall be deemed equivalent if completed between October 1,~~  
 34        ~~1990, and January 1, 1996:~~  
 35

- 36        1. ~~Courses given by an EPA Model Training Institution.~~  
 37
- 38        2. ~~Lead inspector training courses that were at least three days in length and~~  
 39        ~~covered the necessary topics outlined in the EPA proposed lead regulations.~~  
 40

41 18 VAC 15-30-220. ~~Certified inspector technician for target housing and public~~  
 42 ~~buildings.~~(Repealed.)  
 43

44        A. ~~Applicants shall comply with 18 VAC 15 30 210 and shall pass a department-~~  
 45        ~~approved certification examination for inspector technician for target housing~~  
 46        ~~and public buildings before the expiration of their interim certification.~~

1  
2 18 VAC 15-30-210. Licensed lead inspector.

- 3
- 4 A. Each applicant for lead inspector licensure shall comply with the application  
5 requirements established in 18 VAC 15-30-50 and include evidence of successful  
6 completion of a board approved initial lead inspector course.
- 7
- 8 B. Each applicant shall pass a board approved licensing examination for lead  
9 inspector within 36 months after completion of the board approved lead inspector  
10 initial training course or the board approved lead inspector refresher course.
- 11
- 12 C. Applicants who fail the examination three times must provide to the board  
13 evidence, after the date of their third examination failure, of having retaken and  
14 satisfactorily completed the initial training requirements and make new  
15 application to the board. The applicant is then eligible to sit for the examination  
16 an additional three times.

17

18 ~~18 VAC 15-30-230.—Interim certified inspector/risk assessor for target housing and~~  
19 ~~public buildings.—(Repealed.)~~

- 20
- 21 ~~A. Applicants for interim inspector/risk assessor certification in target housing~~  
22 ~~and public buildings shall provide evidence of:~~
- 23
- 24 ~~1. Successful completion of a department approved initial lead inspector/risk~~  
25 ~~assessor course; or successful completion of a lead inspector/risk assessor~~  
26 ~~training course between October 1, 1990, and January 1, 1996, that is~~  
27 ~~equivalent to a department approved lead inspector/risk assessor course, and~~  
28 ~~successful completion of a department approved lead inspector/risk assessor~~  
29 ~~refresher course; and~~
- 30
- 31 ~~2. One year experience in a related field (e.g., lead, asbestos, or environmental~~  
32 ~~remediation work), or 25 inspections over at least a three month period as a~~  
33 ~~lead inspector technician, and one of the following:~~
- 34
- 35 ~~a. A bachelor's degree and one year experience in a related field.~~
- 36
- 37 ~~b. A certification as an industrial hygienist, an engineer, a registered~~  
38 ~~architect, or an environmentally related field, such as an environmental~~  
39 ~~scientist.~~
- 40
- 41 ~~c. A high school diploma or its equivalent, and two years experience in a~~  
42 ~~related field.~~
- 43
- 44 ~~B. The following lead inspector/risk assessor course shall be deemed equivalent if~~  
45 ~~completed between October 1, 1990, and January 1, 1996:~~
- 46

1 ~~1. Courses given by an EPA Model Training Institution.~~

2  
3 ~~2. Lead inspector training courses that were at least three days in length and~~  
4 ~~covered the topics outlined in the EPA proposed lead regulations.~~

5  
6 18 VAC 15-30-240.— ~~Certified inspector/risk assessor for target housing and public~~  
7 ~~buildings.—(Repealed.)~~

8  
9 ~~— Applicants shall comply with 18 VAC 15 30 230 and shall pass a department-~~  
10 ~~approved certification examination for inspector technician and a department approved~~  
11 ~~certification examination for risk assessor in target housing and public buildings before~~  
12 ~~the expiration of their interim certification.~~

13  
14 18 VAC 15-30-230. Licensed lead risk assessor.

15  
16 A. Each applicant for lead risk assessor licensure shall comply with the  
17 application requirements established in 18 VAC 15-30-50 and include  
18 evidence of successful completion of a board approved initial lead risk  
19 assessor training course, and successful completion of a board approved  
20 initial lead inspector training course that was at least three days in length;  
21 and

22  
23 1. A bachelor’s degree in engineering, architecture, or a related  
24 profession and one year of experience in a related field (e.g., lead,  
25 asbestos, environmental remediation work, or construction); or

26  
27 2. Certification or licensure as an industrial hygienist, a professional  
28 engineer, a registered architect or licensure in a related  
29 engineering/health/environmental field; or

30  
31 3. An Associate’s degree in engineering, architecture, or a related  
32 profession and two years experience in a related field (e.g., lead,  
33 asbestos, environmental remediation work, or construction); or

34  
35 4. A high school diploma or its equivalent, and at least three years  
36 experience in a related field (e.g., lead, asbestos, environmental  
37 remediation work, or construction).

38  
39 B. Each applicant shall pass a board approved licensure examination for risk  
40 assessor within 36 months after completion of the board approved lead risk  
41 assessor initial training course or the board approved lead risk assessor  
42 refresher course.

43  
44 C. Applicants who fail the examination three times must provide to the board  
45 evidence, after the date of their third examination failure, of having retaken and  
46 satisfactorily completed the initial training requirements and make new application

1 to the board. The applicant is then eligible to sit for the examination an additional  
 2 three times.

3 PART V.  
 4 ~~CERTIFIED~~ LICENSED CONTRACTOR REQUIREMENTS.

5  
 6 18 VAC 15-30-250. Requirements for ~~certification~~ licensure.

7  
 8 A. Each applicant for lead contractor certification licensure shall hold a valid  
 9 Virginia contractor license with a lead specialty issued by the Virginia Board  
 10 for Contractors, and shall comply with the provisions of Chapter 11 (§ 54.1-  
 11 1100 et seq.) of Title 54.1 of the Code of Virginia governing the regulation of  
 12 contractors.

13  
 14 B. Firms seeking contractor ~~certification~~ licensing shall certify that:

15  
 16 1. Only properly ~~certified~~ licensed individuals lead abatement supervisors and  
 17 workers will be employed to conduct lead-based paint activities; and

18  
 19 2. A licensed lead abatement supervisor is present at each job site while a lead  
 20 abatement project is in progress; and

21  
 22 ~~2.3.~~ The standards for conducting lead-based activities established in this chapter  
 23 and standards established by the EPA and OSHA shall be followed at all times  
 24 during the conduct of lead-based paint activities.

25  
 26 4. The company is in compliance with all other occupational and professional  
 27 licenses and standards as required by Virginia statute and local ordinance to  
 28 transact the business of a lead abatement contractor.

29  
 30 PART VI.  
 31 TRAINING PROGRAM ACCREDITATION.

32  
 33 18 VAC 15-30-260. General.

34  
 35 A. Each applicant for approval as an accredited lead training program provider  
 36 shall meet the requirements established by this chapter before being granted  
 37 approval to offer an accredited lead training program. Applicants requesting  
 38 approval of a lead training program to prepare participants for certification  
 39 licensure shall apply on a form provided by the department board. The  
 40 application form shall be complete completed in accordance with the  
 41 instructions supplied and shall include the following:

42  
 43 1. The course for which it is applying for accreditation.  
 44

- 1 2. A statement signed by the training program manager, which certifies that the  
2 training program and each instructor meets the minimum requirements  
3 established in this chapter.  
4
- 5 3. A copy of the student manuals and instructor manuals or other materials to be  
6 used.  
7
- 8 4. A copy of the course agenda which includes the time allocation for each course  
9 topic.  
10
- 11 5. A copy of the test and answer sheet.  
12
- 13 6. A description of the facilities and equipment available to be used for lecture  
14 and hands-on training.  
15
- 16 7. A description of the activities and procedures that will be used for conducting  
17 the assessment of hands-on skills.  
18
- 19 8. A copy of the quality control plan as described in this chapter.  
20
- 21 9. An example of a certificate that will be issued to students who successfully  
22 complete the course.  
23
- 24 10. A proposed course date for auditing purposes.  
25
- 26 11. The application fee required by 18 VAC 15-30-140160 of this chapter.  
27
- 28 B. ~~After November 1, 1995, the~~ The completed application form with attachments  
29 and fee, shall be received by the ~~department~~ board no later than 45 days before  
30 the desired audit date.  
31
- 32 ~~C. Receipt of application and deposit of fees by the department in no way~~  
33 ~~indicates approval of a training program.~~  
34
- 35 DC. An applicant may seek approval for as many initial and refresher courses as it  
36 chooses, but shall submit a separate application and fee for each program.  
37
- 38 ED. ~~Effective June 1, 1996, training programs shall have accreditation for the~~  
39 ~~corresponding initial training program before approval shall be granted to the~~  
40 ~~refresher training program. Applications for initial and refresher training~~  
41 ~~programs may be filed concurrently. Applicants may seek accreditation to offer~~  
42 ~~lead-based paint activities initial or refresher courses in any of the following~~  
43 ~~disciplines: lead abatement worker, lead project designer, lead abatement~~  
44 ~~supervisor, lead inspector, and lead risk assessor.~~  
45

1 ~~FE.~~ Each training program shall be conducted in compliance with this chapter to  
2 qualify for and maintain approval as an accredited lead training program.  
3

4 18 VAC 15-30-270. ~~Department~~ Board review and audit procedures.  
5

6 A. Upon receipt of an application, the ~~department~~ board shall conduct a  
7 preliminary review and shall notify the applicant, in writing, of any  
8 deficiencies in the submittal packages. Applicants will have one year from  
9 the ~~department's~~ board's receipt of the application to correct any problems  
10 noted in the review.  
11

12 B. After the application has been found to be complete and in compliance with  
13 this chapter, an on-site audit of the training program shall be conducted. The  
14 ~~department~~ board shall conduct an additional on-site audit, grant approval or  
15 deny approval based on the ~~department's~~ board's evaluation of the level of  
16 compliance with this chapter found during the initial on-site audit.  
17

18 C. Applicants denied approval shall have one year from the date of receipt of the  
19 application by the ~~department~~ board to correct any deficiencies and notify the  
20 ~~department~~ board in writing.  
21

22 ~~D. The department may grant interim approval allowing the applicant to act as an~~  
23 ~~accredited training program until an on-site audit can be conducted.~~  
24

25 ~~ED.~~ An accredited training provider shall have been ~~given interim approval or~~  
26 ~~approval~~ approved by the ~~department~~ board before its training ~~certifications~~  
27 certificates shall be accepted by the ~~department~~ board as evidence that an  
28 individual has completed an accredited lead training program.  
29

30 18 VAC 15-30-280. Accreditation approval.  
31

32 Each accredited lead training program which is granted ~~interim approval or~~  
33 approval shall be sent a form indicating the discipline approved and an expiration date  
34 which shall be maintained at the business address listed on the application.  
35

36 18 VAC 15-30-290. Changes to an approved course.  
37

38 Once a training course has been approved, substantial changes in ~~the items listed~~  
39 below any of the approved items must be submitted to the ~~department~~ board for review  
40 and approval prior to the continuation of the training course. These items include, but are  
41 not limited to:  
42

43 1. Course curriculum.  
44

45 2. Course examination.  
46

- 1           3. Course materials.
- 2
- 3           4. Training manager and principal instructor(s).
- 4
- 5           5. Certificate of completion.
- 6

7           The ~~department~~ board shall communicate its approval or disapproval in the same  
8 manner as for initial applications for accreditation approval.

9

10 18 VAC 15-30-300. Change of ownership.

11

12           When an accredited lead training program has a change of ownership, the new  
13 owner shall apply anew.

14

15 18 VAC 15-30-310. ~~Access by department representatives.~~ (Repealed.)

16

17 ~~Training course sponsors shall admit department representatives for the purpose~~  
18 ~~of monitoring, an on site audit or any other purpose necessary to evaluate compliance~~  
19 ~~with this chapter and other applicable laws and regulations.~~

20

21 18 VAC 15-30-320. ~~Reaccreditation of training programs.~~ (Repealed)

22

23           A. ~~Firms desiring to maintain an approval for an accredited training program~~  
24 ~~shall cause the department to receive a statement signed by the training~~  
25 ~~program manager which certifies the following no later than 36 months after~~  
26 ~~the date of initial approval and not less often than once each 36 months~~  
27 ~~thereafter:~~

- 28
- 29           1. ~~The course materials for each course meet the requirements of Part VIII~~  
30 ~~(18 VAC 15 30 440 et seq.) of this chapter.~~
- 31
- 32           2. ~~The training manager and principal instructors meet the qualifications~~  
33 ~~listed in 18 VAC 15 30 340 of this chapter.~~
- 34
- 35           3. ~~The training program manager complies at all times with all requirements~~  
36 ~~of this chapter.~~
- 37
- 38           4. ~~The quality control program meets the requirements noted in 18 VAC 15-~~  
39 ~~30 410 of this chapter.~~
- 40
- 41           5. ~~The record keeping requirements of this chapter will be followed.~~
- 42

43           B. ~~An audit may be performed to verify the certified statements and the contents~~  
44 ~~of the application before recertification is granted.~~

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PART VII.  
REQUIREMENTS FOR THE ACCREDITATION OF TRAINING PROGRAMS.

18 VAC 15-30-330. General.

For a training program to obtain accreditation from the ~~department~~ board to teach lead-based paint activities, the program shall demonstrate through its application material that it meets the minimum requirements for instructor qualifications, required topic review, length of training, and record keeping for each discipline for which the program is seeking accreditation. Training programs shall offer courses which teach the standards for conducting lead-based paint activities contained in this chapter, and other such standards adopted by the EPA ~~and OSHA~~.

18 VAC 15-30-340. ~~Instructor requirements~~ Qualifications of managers and instructors.

1. The training program shall employ a training manager who:
  - a. Has at least two years ~~classroom~~ experience, education, or training in teaching workers  ~~/ or~~ adults; has a bachelor's or graduate level degree in building construction technology, engineering, industrial hygiene, safety,  ~~or~~ public health; education, business administration, program management, or a related field; or has ~~four~~ two years experience in managing ~~an occupational health and safety~~ a training program that specialized in environmental hazards; and
  - b. ~~At least one year~~ Demonstrated experience, education, or training specializing in a relevant in the construction industry construction trade including; but not limited to, lead or asbestos abatement, painting, carpentry, or renovation, and remodeling, or one year of experience or education in teaching workers/adults occupational safety and health, or industrial hygiene.
2. The training program shall employ a qualified principal instructor, designated by the training manager, for each course who:
  - a. Demonstrates experience, education or training in teaching workers  ~~/ or~~ adults, and
  - b. Successfully completed ~~at least 24~~ a minimum of 16 hours of any EPA accredited or board-approved lead-specific training; and
  - c. ~~Has two years of~~ Demonstrated experience, education or training in the construction trade including, but not limited to, lead or asbestos abatement, painting, carpentry, or renovation, and remodeling, occupational safety and health, or industrial hygiene.

1 18 VAC 15-30-350. ~~Designation of instructors~~ Responsibilities of the training manager.

- 2
- 3 1. The training program shall employ a training ~~program~~ manager who shall be
- 4 responsible for ensuring that the training program complies at all times with
- 5 the requirements of this chapter and who is responsible for maintaining:-
- 6
- 7 a. The validity and integrity of the hands-on skills assessment or proficiency
- 8 test to ensure that it accurately evaluates the trainees' performance of the
- 9 work practices and procedures associated with the course topics.
- 10
- 11 b. The validity and integrity of the course test to ensure that it accurately
- 12 evaluates the trainees' knowledge and retention of the course topics.
- 13
- 14 2. The training ~~program~~ manager shall, for each course offered, designate a
- 15 principal instructor. Principal instructors are responsible for the organization
- 16 of the course and oversight of the teaching of all course material. ~~Additional~~
- 17 ~~instructors may be designated as needed to provide instruction specific to the~~
- 18 ~~lecture, hand-on activities, or work practice components of a course.~~
- 19
- 20 3. Guest instructors may be designated by the training manger as needed to
- 21 provide instruction specific to the lecture, hand-on activities, or work practice
- 22 components of a course.
- 23
- 24 4. Any training manager who intends to also serve as a principal instructor shall
- 25 meet the requirements of subsection 2 of 18 VAC 15-30-340 of this chapter
- 26 and provide documentation to the board prior to instructing.
- 27

28 18 VAC 15-30-360. Instructor documentation.

29

30 The following documents shall be recognized by the ~~department~~ board as proof

31 that training managers and principal instructors meet the relevant educational, work

32 experience, and training requirements specifically listed in 18 VAC 15-30-340:

33

- 34 1. Official academic transcripts or diplomas as proof of meeting the educational
- 35 requirements.
- 36
- 37 2. Resumes, letters of reference, ~~lead certification in another state,~~ or
- 38 documentation of work experience as proof of meeting the work experience
- 39 requirements.
- 40
- 41 3. Certificates from ~~train the trainer courses and~~ lead-specific training courses as
- 42 proof of meeting the training requirements.
- 43

44 18 VAC 15-30-370. Training facilities.

45

1 The training program shall provide adequate facilities for the delivery of the  
 2 lecture, course test, and hands-on training, and assessment activities. This includes  
 3 providing training equipment that reflects current work practices, and maintaining or  
 4 updating the equipment and facilities as needed.

5  
 6 18 VAC 15-30-380. Length of training ~~programs~~ courses.

7  
 8 A. The length of training programs is as follows:

- 9  
 10 1. ~~For inspector technician for target housing and public buildings, a minimum of~~  
 11 ~~24 training hours, with a minimum of eight hours devoted to hands on training~~  
 12 The training course for lead inspector shall last a minimum of 24 training  
 13 hours, with a minimum of eight hours devoted to hands-on training activities.  
 14  
 15 2. ~~For inspector/risk assessor course for target housing and public buildings, a~~  
 16 ~~minimum of 40 training hours, which shall include the 24 training hours~~  
 17 ~~provided for in subdivision 1 of this subsection for inspector technician for~~  
 18 ~~target housing and public buildings. Sixteen training hours of the required 40~~  
 19 ~~training hours shall be devoted to inspector/risk assessor for target housing and~~  
 20 ~~public buildings training, with a minimum of eight hours devoted to hands on~~  
 21 ~~training which includes site visits. The training course for lead risk assessor~~  
 22 shall last a minimum of 16 training hours with a minimum of four hours  
 23 devoted to hands-on training activities. As a prerequisite, the 24 training hours  
 24 provided for in subsection 1 of this section for lead inspector shall be required.  
 25  
 26 3. ~~For planner/The training course for lead project designer for target housing and~~  
 27 ~~public buildings shall last a minimum of 40 eight training hours, with a~~  
 28 ~~minimum of eight hours devoted to hands on training which includes site~~  
 29 ~~visits. As a prerequisite, the 32 training hours provided for in subsection 4 of~~  
 30 this section for lead abatement supervisor shall be required.  
 31  
 32 4. ~~For The training course for lead abatement supervisor for target housing,~~  
 33 ~~superstructures and public and commercial buildings, shall last a minimum of~~  
 34 ~~40 32 training hours, with a minimum of 8 eight hours devoted to hands-on~~  
 35 ~~activities on training.~~  
 36  
 37 5. ~~For The training course for lead abatement worker for target housing,~~  
 38 ~~superstructures and public and commercial buildings, shall last a minimum of~~  
 39 ~~16 training hours, with a minimum of 8 eight hours devoted to hands-on~~  
 40 ~~training activities.~~  
 41  
 42 6. ~~For refresher courses, All lead refresher courses shall a minimum of one day~~  
 43 ~~(seven hours) for all disciplines last a minimum of eight training hours, except~~  
 44 the project designer refresher course which shall last a minimum of four  
 45 training hours.  
 46

1 B. In no case shall actual training exceed eight hours during any single 24-hour  
 2 period, exceed four hours when conducted during evening hours (after 5 p.m.  
 3 and before 8 a.m.) except training that is conducted during the student's normal  
 4 second or third shift working hours, or exceed 16 hours during any weekend  
 5 (Friday after 5 p.m. to Monday 8 a.m.).  
 6

7 18 VAC 15-30-390. Course examination.  
 8

9 A. For each course, the accredited lead training program shall conduct a  
 10 monitored, written course test at the completion of each the course and a  
 11 hands-on skills assessment, or as an alternative, a proficiency test. ~~The hands-~~  
 12 ~~on assessment and the course test will evaluate trainee competency and~~  
 13 ~~proficiency. The hands on assessment and a course test must be successfully~~  
 14 ~~completed for an individual to pass any course. Each individual must~~  
 15 successfully complete the hands-on skills assessment and receive a passing  
 16 score on the course test to pass any course, or successfully complete a  
 17 proficiency test.  
 18

19 B. The course test is an evaluation of the overall effectiveness of the training  
 20 which shall test the trainee's knowledge and retention of the topics covered  
 21 during the course. An oral course test may be administered in lieu of a written  
 22 course test for lead abatement worker only.  
 23

24 C. Seventy percent shall be ~~considered~~ the passing score on the course test.  
 25

26 D. The hands-on skills assessment is an evaluation of the effectiveness of the  
 27 hands-on training which shall test the ability of the trainees to demonstrate  
 28 satisfactory performance of work practices and procedures specified in Part  
 29 VIII (18 VAC 5-30-440 et seq.) of this chapter, as well as any other skills  
 30 demonstrated in the course.  
 31

32 ~~E. The training manager is responsible for maintaining the validity and integrity~~  
 33 ~~of the course test and hands on assessment to ensure that it accurately~~  
 34 ~~evaluates the trainee's performance of these work practices and procedures.~~  
 35

36 E. The use of a proficiency test in lieu of a hands-on assessment and course test  
 37 may be considered by the training provider. An accredited lead training  
 38 program that offers a proficiency test shall assure that the test consists  
 39 primarily of an evaluation of the effectiveness and reliability of a student's  
 40 ability to conduct a particular lead-based paint activity. The proficiency test  
 41 must also cover all of the topics and skills addressed in a particular course. For  
 42 instance, a proficiency-based course in inspection could involve a mix of  
 43 lecture material with students conducting a mock inspection in a residential  
 44 dwelling with known lead-based paint concentrations. The student would be  
 45 evaluated on the accuracy of the results of their inspection. For a training  
 46 program to make use of a proficiency-based course, that course must be

1 approved by the board in the same manner as approval for any other course,  
 2 including fees.

3  
 4 18 VAC 15-30-400. Certificates of completion.

5  
 6 Accredited lead training programs shall issue unique course completion  
 7 certificates to each individual who successfully completes the course requirements. The  
 8 course completion certificate shall include:

- 9
- 10 1. A unique certificate number.
  - 11
  - 12 2. The name, a unique identification number, and address of the individual.
  - 13
  - 14 3. The name of the particular course that the individual completed.
  - 15
  - 16 4. Dates of course completion/test passage.
  - 17
  - 18 5. Expiration date. ~~In the case of supervisors, inspector technicians and risk~~  
 19 ~~assessors, interim certification~~ Training certificates shall expire six months  
 20 ~~from the date of course completion. In the case of workers and planner/project~~  
 21 ~~designers, certification shall expire three years from the date of course~~  
 22 ~~completion. If the accredited lead training program offers a proficiency test,~~  
 23 the training certificates shall expire five years from the date of course  
 24 completion.
  - 25
  - 26 6. Name, address, and telephone number of the training program.
  - 27
  - 28 7. Name and signature of the principal instructor.
  - 29

30 18 VAC 15-30-410. Quality control plan.

31  
 32 The training manager shall develop and implement a quality control plan. The  
 33 plan shall be used to maintain ~~or~~ and improve the quality of the accredited lead training  
 34 program over time. This plan shall contain at least the following elements:

- 35
- 36 1. Procedures for periodic revision of training materials and course test to reflect  
 37 innovations in the field.
  - 38
  - 39 2. Procedures for the training manager's annual review of principal instructor  
 40 competency.
  - 41

42 18 VAC 15-30-420. Record keeping.

43  
 44 Each accredited lead training program shall maintain, and make available upon  
 45 request from the ~~department~~ board, the following records:

- 1 1. All documents specified in 18 VAC 15-30-360 that demonstrate the  
2 qualifications listed in 18 VAC 15-30-340 of the training manager and principal  
3 instructors.
- 4
- 5 2. Current curriculum/course materials and documents reflecting any changes  
6 made to these materials.
- 7
- 8 3. Course examination.
- 9
- 10 4. Information on how the hands-on assessment is conducted including, but not  
11 limited to, who conducts the assessment, how the skills are graded, what  
12 facilities are used, and the pass/fail rate.
- 13
- 14 5. The quality control plan described in 18 VAC 15-30-410.
- 15
- 16 6. Results of the student's hands-on skills assessments and course examination  
17 and a copy of each student's course completion certificate.
- 18
- 19 7. Any other material not listed in this chapter that was submitted to the  
20 ~~department~~ board as part of the application for accreditation.
- 21

22 The accredited lead training program provider shall retain these records at the  
23 location specified on the training program application for a minimum of three years and  
24 six months.

25  
26 18 VAC 15-30-430. Change of address.

27  
28 The accredited lead training program provider shall notify the ~~department~~ board  
29 30 days prior to relocating its business or transferring the records.

30  
31 PART VIII.  
32 TRAINING COURSE CURRICULA REQUIREMENTS.

33  
34 18 VAC 15-30-440. General.

35  
36 ~~To become accredited, training~~ Training programs shall ensure that their courses  
37 of study for various lead-based paint activities disciplines cover the mandatory subject  
38 areas. Requirements listed in this part ending in an asterisk (\*) indicate areas that require  
39 hands-on training as an integral component of the course. All training courses shall be  
40 discipline specific.

41  
42 18 VAC 15-30-450. Initial training criteria for lead abatement worker ~~for target housing,~~  
43 ~~superstructures and public and commercial buildings.~~

44  
45 The lead abatement worker course ~~for target housing, superstructures and public~~  
46 ~~and commercial buildings~~ shall last a minimum of 16 hours with a minimum of 8 eight

1 hours devoted to hands-on training. The training course shall address the following  
 2 topics:

- 3
- 4 1. Role and responsibilities of an abatement worker.
- 5
- 6 42. Background information and health effects of lead.
- 7
- 8 ~~23. Sources of environmental lead contamination (paint, surface dust, soil, water,~~  
 9 ~~air, food, or other sources)~~Background information on federal, state and local  
 10 regulations and guidance that pertains to lead-based paint activities.
- 11
- 12 ~~3. Regulatory background, federal, state and local.~~
- 13
- 14 4. Hazard ~~Lead-based paint hazard~~ recognition and control methods.\*
- 15
- 16 ~~5. Respiratory protection.\*~~
- 17
- 18 ~~6. Medical monitoring.~~
- 19
- 20 ~~7. Personal hygiene.\*~~
- 21
- 22 ~~8. Exposure monitoring.~~
- 23
- 24 95. Lead-based paint abatement and lead hazard reduction methods, including  
 25 restricted work practices.\*
- 26
- 27 ~~106. Interior dust abatement methods/clean-up or lead hazard reduction.\*~~
- 28
- 29 ~~117. Soil and exterior dust abatement methods or lead hazard reduction.\*~~
- 30
- 31 ~~12. Paint removal operations:~~
- 32
- 33 ~~a. Power tools and miscellaneous.~~
- 34
- 35 ~~b. Abrasive blasting.~~
- 36
- 37 ~~13. Welding, burning and torch cutting.~~
- 38
- 39 ~~14. Mechanical disturbance of lead.~~
- 40
- 41 ~~15. Waste disposal.\*~~
- 42
- 43 ~~16. Record keeping.~~
- 44
- 45 178. Course review.
- 46

1 189. Examination.

2  
3 18 VAC 15-30-460. Initial training criteria for lead abatement supervisor ~~for target~~  
4 ~~housing, superstructures and public and commercial buildings.~~

5  
6 The lead abatement supervisor course ~~for target housing, superstructures and~~  
7 ~~public and commercial buildings~~ shall last a minimum of 40 32 hours with a minimum of  
8 eight hours devoted to hands-on training. The training course shall address the following  
9 topics:

- 10  
11 1. Role and responsibilities of an abatement supervisor.
- 12  
13 ~~42.~~ Background information on lead and the adverse health effects, associated  
14 ~~with excessive lead exposure.~~
- 15  
16 ~~23.~~ Regulatory background, federal, state and local. Background information on  
17 federal, state and local regulations and guidance that pertains to lead-based  
18 paint activities including distribution and thorough review of the Virginia  
19 Lead-Based Paint Activities Regulations.
- 20  
21 ~~34.~~ Liability and insurance issues relating to lead-based paint abatement.
- 22  
23 ~~45.~~ Sources of environmental contamination (paint, surface dust, soil, water, air,  
24 ~~food, or other sources). Risk assessment and inspection report interpretation.\*~~
- 25  
26 ~~56.~~ Identification of lead based paint.\*Development and implementation of an  
27 occupant protection plan and abatement report.
- 28  
29 ~~\_\_\_\_\_ a. Historical information.~~
- 30  
31 ~~\_\_\_\_\_ b. Limited sampling procedures.~~
- 32  
33 ~~\_\_\_\_\_ c. Laboratory analysis.~~
- 34  
35 ~~\_\_\_\_\_ 6. Development and implementation of a project design plan.\*~~
- 36  
37 7. Lead-based paint Hazard hazard recognition and ~~other safety and health~~  
38 ~~hazards~~ and control methods.\*
- 39  
40 ~~\_\_\_\_\_ 8. Exposure monitoring and control.\*~~
- 41  
42 9. ~~The purpose of OSHA's medical surveillance program, including employee~~  
43 ~~information, training and the specific nature of operations which could result in~~  
44 ~~exposure to lead above OSHA's action level (30 micrograms per cubic meter).~~
- 45  
46 ~~\_\_\_\_\_ 10. Project management and supervisory techniques.~~

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~~11. Work preparation procedures and proper engineering controls and work practices, including prohibited work practices.\*~~

~~12. Contract specifications and cost estimation.~~

~~13. Medical monitoring.~~

~~14. Environmental monitoring.~~

~~15. Respiratory protection.\*~~

168. Lead-based paint abatement or lead hazard reduction methods, including restricted work practices.\*

179. Interior dust abatement/clean-up or lead hazard reduction.\*

1810. Soil and exterior dust abatement or lead hazard reduction.\*

~~19. Paint removal operations pertaining to superstructures and commercial buildings, including:~~

~~a. Power tools.~~

~~b. Abrasive blasting.~~

~~20. Mechanical disturbance of lead.~~

~~21. Soil, dust, and air sampling.~~

2211. Clearance standards and testing.

2312. Clean-up and waste disposal.

~~24. Community relations process.~~

2513. Record keeping.

~~26. Risk assessment/inspection report interpretation.\*~~

~~27. Integration with modernization and rehabilitation.~~

2814. Course review.

2915. Examination.

1 18 VAC 15-30-470. Initial training criteria for lead inspector ~~technician for target~~  
 2 ~~housing and public buildings.~~

3  
 4 The lead inspector ~~technician~~ course shall last a minimum of 24 hours with a  
 5 minimum of eight hours devoted to hands-on training. The training course shall address  
 6 the following topics:

- 7
- 8 1. Background information on lead.
- 9
- 10 2. Health effects of lead.
- 11
- 12 3. Regulatory review. This entails a discussion of applicable federal, state and  
 13 local regulations that pertain to lead-based paint, including distribution and  
 14 thorough review of this chapter.
- 15
- 16 4. Roles and ~~responsibility~~ responsibilities of the lead-based paint inspector.
- 17
- 18 5. Lead-based paint inspection methods, including ~~visual inspections~~ selection of  
 19 rooms and components for sampling or testing.\*
- 20
- 21 6. Paint, dust, and soil sampling methodologies.\*
- 22
- 23 7. ~~Formulation and implementation~~ Preparation of the final inspection report.\*
- 24
- 25 8. Clearance standards and testing, including random sampling.\*
- 26
- 27 9. Record keeping.
- 28
- 29 10. Course review.
- 30
- 31 11. Examination.
- 32

33 18 VAC 15-30-480. Initial training criteria for lead inspector/risk assessors ~~for target~~  
 34 ~~housing and public buildings.~~

35  
 36 The lead inspector/risk assessor course shall last a minimum of ~~40 hours, 24 hours~~  
 37 ~~of which shall constitute the inspector technician course established by 18 VAC 15-30-~~  
 38 ~~470, and~~ 16 hours of which and shall address the following topics, with a minimum of  
 39 eight ~~four~~ hours devoted to hands-on training, which includes site visits:

- 40
- 41 1. ~~All information provided for in 18 VAC 15-30-470.~~ Role and responsibilities  
 42 of a risk assessor.
- 43
- 44 2. Regulatory review. This entails a discussion of applicable federal, state and  
 45 local regulations that pertain to lead-based paint, including distribution and  
 46 thorough review of this chapter.

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~~23. Collection of Background background information to perform risk assessment.~~

~~34. Visual inspection for the purpose of identifying potential sources of lead-based hazards.\*~~

~~45. Risk assessment report form.\*—Sources of environmental lead contamination such as paint, surface dust, water, air, packaging, and food.~~

~~56. Sampling and inspection guidelines.\*Lead hazard screen protocol.~~

~~67. Sampling for other sources of lead exposure.\*~~

~~87. Interpretation of lead-based paint and other sampling results.\*~~

~~89. Preparation of final report.\*Development of hazard control options, the role of interim controls, and operations and maintenance activities to reduce lead-based paint hazards.~~

~~910. Recommendations to abate or reduce lead based paint hazards, including instructions on when interim controls are appropriate. Preparation of a final risk assessment report.~~

11. Course review.

12. Examination.

~~10. Development of an interim control plan.~~

~~11. Record keeping.~~

~~12. Identification of the lead based paint hazards, lead contaminated dust, and lead contaminated soil.~~

18 VAC 15-30-490. Initial training criteria for lead planner/project designer for target housing and public buildings.

~~The project designer course shall consist of all information required in 18 VAC 15-30-460.~~

The lead project designer course shall last a minimum of eight hours and shall address the following topics:

1. Role and responsibilities of a project designer.



- 1       A. Notification shall be sent by the licensed lead abatement contractor to the Virginia  
2       Department of Labor and Industry prior to the commencement of any lead-based  
3       paint abatement activities. The notification shall be sent in a manner prescribed by  
4       the Virginia Department of Labor and Industry.  
5
- 6       B. No licensed lead abatement contractor shall enter into a contract to perform a lead  
7       abatement project if the lead inspection, project design, or post-abatement  
8       clearance procedures is to be performed by individuals with an  
9       employer/employee relationship with, or financial interest in, the lead abatement  
10      contractor unless the contractor provides the building owner with a “Virginia  
11      Lead Consumer Information and Disclosure Sheet” which is available from the  
12      board.  
13
- 14      C. The relationships described in subsection B must be disclosed and the disclosure  
15      form must be signed and dated by the building owner, or his agent, and the  
16      contracting entity prior to the signing of any contract to conduct lead-based paint  
17      activities. The contractor must provide the disclosure form to all parties involved  
18      in the lead abatement project. The disclosure form shall be kept on the lead  
19      abatement project site and available for review.  
20
- 21      D. When performing a lead-based paint inspection, lead-hazard screen, risk  
22      assessment or abatement, a licensed individual must perform that activity in  
23      compliance with documented methodologies. Documented methodologies that are  
24      appropriate for this chapter include the following:  
25
- 26           1. The U.S. Department of Housing and Urban Development (HUD) Guidelines  
27           for the Evaluation and Control of Lead-Based Paint Hazards in Housing, June  
28           1995 edition.  
29
- 30           2. The EPA Guidance on Residential Lead-Based Paint, Lead-Contaminated  
31           Dust and Lead-Contaminated Soil.  
32
- 33           3. The EPA Residential Sampling for Lead: Protocols for Dust and Soil  
34           Sampling (EPA Report number 7474-R-95-001).  
35
- 36           4. Any future EPA or HUD guidance that may replace the above methodologies.  
37
- 38           5. Regulations, guidance, methods or protocols authorized by the board.  
39
- 40      E. Individuals conducting lead-based paint activities shall comply with the work  
41      practice standards enumerated in this chapter.  
42
- 43      F. Any lead-based paint activities, as described in this chapter, shall be performed  
44      only by individuals licensed by the board to perform such activities.  
45

1 G. All reports and plans required by 18 VAC 15-30-520 through 18 VAC 15-30-651  
 2 shall be maintained by the licensed firm or individual who prepared the report for  
 3 at least three years. The licensed firm or individual also shall provide copies of  
 4 these reports to the building owner or person who contracted for its services.

5  
 6 18 VAC 15-30-520. Inspections ~~in target housing.~~

7  
 8 A. Inspections shall be conducted only by persons ~~certified~~ licensed by the  
 9 ~~department~~ board as an inspector or risk assessor.

10  
 11 B. When conducting an inspection, the following locations shall be selected  
 12 according to documented methodologies and tested for the presence of lead-  
 13 based paint:

14  
 15 1. ~~All component surfaces with visible distinct painting histories in every room, of~~  
 16 ~~every residential dwelling chosen for inspection, as well as all exterior~~  
 17 ~~components with distinct painting histories of every residential dwelling~~  
 18 ~~chosen for testing, except those components that are known to the inspector~~  
 19 ~~technician or inspector/risk assessor to have been replaced after 1980. In a~~  
 20 residential dwelling or child-occupied facility, each component with a distinct  
 21 painting history and each exterior component with a distinct painting history  
 22 shall be tested for lead-based paint, except those components that the inspector  
 23 or risk assessor determines to have been replaced after 1978, or do not contain  
 24 lead-based paint.

25  
 26 2. ~~All components with distinct visible painting histories in every common area,~~  
 27 ~~except those components that are known to the inspector technician or~~  
 28 ~~inspector/risk assessor to have been replaced after 1980. In a multi-family~~  
 29 dwelling or child-occupied facility, each component with a distinct painting  
 30 history in every common area, except those components that the inspector or  
 31 risk assessor determines to have been replaced after 1978, or do not contain  
 32 lead-based paint.

33  
 34 C. ~~Testing for the presence of lead based paint shall be conducted by documented~~  
 35 ~~methodologies which incorporate adequate quality control procedures. Paint~~  
 36 shall be sampled in the following manner:

37  
 38 1. The analysis of paint to determine the presence of lead shall be conducted using  
 39 documented methodologies which incorporate adequate quality control  
 40 procedures; and/or

41  
 42 2. Collected paint chips shall be sent to a laboratory recognized by EPA as being  
 43 capable of performing the analysis.

44  
 45 ~~———— D. Paint chips taken during inspections shall:~~

1 ~~1. Be collected according to the procedures found in the HUD Guidelines for the~~  
 2 ~~Evaluation and Control of Lead Based Paint Hazards in Housing, June 1995.~~

3  
 4 ~~2. Be sent for analysis to a laboratory recognized by EPA as being capable of~~  
 5 ~~performing the analysis.~~

6  
 7 18 VAC 15-30-530. ~~Use of x ray fluorescence spectroscopy.~~ (Repealed.)

8  
 9 ~~Inspectors using an x ray fluorescence spectroscopy (XRF) to test for the~~  
 10 ~~presence of lead based paint shall use the XRF in accordance with the manufacturer's~~  
 11 ~~instructions and the procedures found in the HUD Guidelines for the Evaluation and~~  
 12 ~~Control of Lead Based Paint Hazards in Housing, June 1995.~~

13  
 14 18 VAC 15-30-540. Written inspection report.

15  
 16 ~~The following information shall be recorded in a written inspection report by an~~  
 17 ~~inspector technician or inspector/risk assessor: The licensed inspector or risk assessor~~  
 18 ~~shall prepare an inspection report which shall include the following information:~~

- 19  
 20 1. Date of each inspection.  
 21  
 22 2. Address of buildings ~~and units.~~  
 23  
 24 3. Date of construction of ~~buildings and units.~~  
 25  
 26 4. ~~Unit~~ Apartment numbers (if applicable).  
 27  
 28 5. Name, address, and telephone number of the owner or owner's of each  
 29 residential dwelling or child-occupied facility ~~agent of buildings and units.~~  
 30  
 31 6. Name, ~~and~~ signature, and license number of each ~~the certified licensed~~  
 32 ~~inspector technician or inspector/risk assessor~~ conducting testing, ~~including~~  
 33 ~~certification or license number .~~  
 34  
 35 7. Name, address, and telephone number of the certified licensed firm employing  
 36 each inspector ~~technician or inspector/risk assessor~~ or risk assessor.  
 37  
 38 ~~8. Name, address, and telephone number of each recognized laboratory~~  
 39 ~~conducting an analysis of collected samples.~~  
 40  
 41 ~~98.~~ Each testing method and device and/or sampling procedure employed for  
 42 paint analysis, including quality control data, and, if used, the serial number of  
 43 any ~~XRF~~ X-Ray Fluorescence Spectroscopy (XRF) device.  
 44

~~109. Precise locations of all components and surfaces on components tested and sampled.~~  
Specific locations of each painted component tested for the presence of lead-based paint.

~~110. Data pertinent to lead collected using on site testing devices.~~  
The results of the inspection expressed in terms appropriate to the sampling methods use.

~~12. A list of all tested surfaces (components) found, either through on site testing or laboratory analysis, to contain lead based paint, as defined in this chapter, and those surfaces that did not contain lead based paint.~~

~~13. Any recommendation by an inspector technician or inspector/risk assessor regarding the need for additional testing or assessment.~~

~~Reports and plans required by this section shall be maintained by the regulant who conducted the inspection for no less than three years.~~

~~The above information is subject to 40 CFR Part 745, Subpart F, Disclosure of Known Lead Based Paint and/or Lead Based Paint Hazards upon Sale or Lease of Residential Property.~~

18 VAC 15-30-541. Lead Hazard Screen.

A. A lead hazard screen shall only be conducted by individuals licensed by the board as a risk assessor.

B. If conducted, a lead hazard screen shall be conducted as follows:

1. Background information regarding the physical characteristics of the residential dwelling or child-occupied facility and occupant use patterns that may cause lead-based paint exposure to one or more children age six years and under shall be collected.

2. A visual inspection of the residential dwelling or child-occupied facility shall be conducted to:

a. Determine if any deteriorated paint is present, and

b. Locate at least two dust sampling locations.

3. If deteriorated paint is present, each surface with deteriorated paint, which is determined to be in poor condition by using documented methodologies and to have a distinct painting history, shall be tested for the presence of lead.

4. In residential dwellings, two composite dust samples shall be collected, one from the floors and the other from the windows, in rooms, hallways, or

1                   stairwells where one or more children, age six and under, are likely to come in  
 2                   contact with dust.

3  
 4                   5. In multi-family dwellings and child-occupied facilities, in addition to the floor  
 5                   and window samples required in 18 VAC 15-30-550 B 4, the risk assessor  
 6                   shall also collect composite dust samples from common areas where children,  
 7                   age six and under, are most likely to come into contact with dust.

8  
 9                   C. Dust samples shall be collected in the following manner:

- 10  
 11                   1. All dust samples shall be taken using documented methodologies that  
 12                   incorporate adequate quality control procedures.  
 13  
 14                   2. All dust samples shall be sent to a laboratory recognized by EPA as being  
 15                   capable of performing the analysis to determine if they contain detectable  
 16                   levels of lead that can be quantified numerically.

17  
 18                   18 VAC 15-30-542. Written lead hazard screen report.

19  
 20                   After a lead hazard screen has been conducted, a written hazard screen report  
 21                   shall be prepared by the risk assessor. A lead hazard screen report shall contain the  
 22                   following minimum information:

- 23  
 24                   1. The information identified in a risk assessment report as specified in 18 VAC  
 25                   15-30-610, including 18 VAC 15-30-550 1 through 18 VAC 15-30-550 14.  
 26                   Additionally, any background information collected pursuant to 18 VAC 15-  
 27                   30-541 B 1 of this chapter shall be included in the report.  
 28  
 29                   2. Recommendations, if warranted, for a follow-up risk assessment, and as  
 30                   appropriate, any further actions.

31  
 32                   18 VAC 15-30-550. Risk assessment in target housing.

33  
 34                   ~~—— Risk assessments or other lead hazard assessment activity shall be conducted only~~  
 35                   ~~by persons certified by the board as an inspector/risk assessor.~~

36  
 37                   A. A risk assessment shall only be conducted by individuals licensed by the board as  
 38                   risk assessors.

39  
 40                   B. If conducted, a risk assessment shall be conducted as follows:

- 41  
 42                   1. A visual inspection for risk assessment of the residential dwelling or child-  
 43                   occupied facility shall be undertaken to locate the existence of deteriorated  
 44                   paint, assess the extent and causes of deterioration, and other potential lead-  
 45                   based paint hazards.  
 46

- 1           2. Background information regarding the physical characteristics of the  
2           residential dwelling or child-occupied facility and occupant use patterns that  
3           may cause lead-based paint exposure to one or more children age six years  
4           and under shall be collected.  
5  
6           3. Each surface with deteriorated paint, which is determined to be in poor  
7           condition by using documented methodologies and to have a distinct painting  
8           history, shall be tested for the presence of lead. Each other surface  
9           determined, using documented methodologies, to be a potential lead-based  
10           paint hazard and having a distinct painting history, shall also be tested for the  
11           presence of lead.  
12  
13           4. In residential dwellings, dust samples (either composite or single-surface  
14           samples) from the window and floor shall be collected in all living areas  
15           where one or more children, age six and under, are most likely to come into  
16           contact with dust.  
17  
18           5. For multi-family dwellings and child-occupied facilities, the samples required  
19           in 18 VAC 15-30-550 B (3) shall be taken. In addition, window and floor dust  
20           samples (either composite or single-surface samples) shall be collected in the  
21           following manner:  
22  
23           a. Common areas adjacent to the sampled residential dwelling or child-  
24           occupied facility; and  
25  
26           b. Other common areas in the building where the risk assessor determines  
27           that one or more children, age six and under, are likely to come into  
28           contact with dust.  
29  
30           6. For child-occupied facilities, window and floor dust samples (either composite  
31           or single-surface samples) shall be collected in each room, hallway or  
32           stairwell utilized by one or more children, age six and under, and in the  
33           common areas in the child-occupied facility where the risk assessor  
34           determines one or more children, age six and under, are likely to come into  
35           contact with dust.  
36  
37           7. Soil samples shall be collected and analyzed for lead concentrations in the  
38           following locations;  
39  
40           a. Exterior play areas where bare soil is present; and  
41  
42           b. Dripline/foundation areas where bare soil is present.  
43  
44           8. Any paint, dust, or soil sampling or testing shall be conducted using  
45           documented methodologies that incorporate adequate quality control  
46           procedures.

9. Any collected paint chip, dust, or soil sample shall be sent for analysis to a laboratory recognized by EPA as being capable of performing these activities.

~~18 VAC 15-30-560.—Background information. (Repealed.)~~

~~When conducting a risk assessment, background information regarding the physical characteristics of the unit and residential use patterns shall be collected, and shall contain the following information:~~

- ~~1. A schematic site plan showing each room within the unit or within every unit, its use and number of children under age six currently residing in the unit.~~
- ~~2. The age of the structure and any additions thereto.~~
- ~~3. A copy of any previous test results or inspections regarding lead based paint or other assessments for lead related hazards.~~
- ~~4. A description of any lead related health problems for either children or adults in the residence, provided such information is made available to the inspector/risk assessor by the residents.~~
- ~~5. Other available information that the risk assessor determines is necessary to characterize occupant use patterns that may generate or contribute to lead-based paint hazards.~~

~~18 VAC 15-30-570.—Visual inspection. (Repealed.)~~

~~A visual inspection to determine the condition of all painted surfaces shall be completed by the inspector/risk assessor.~~

~~18 VAC 15-30-580.—Dust samples. (Repealed.)~~

- ~~A. Dust samples shall be collected within each selected unit according to the following procedures by an inspector technician or inspector/risk assessor:~~
  - ~~1. Parts of the living area where children are most likely to come into contact with dust as determined by the risk assessor shall be sampled.~~
  - ~~2. The samples shall be sent for analysis to a laboratory recognized by EPA as being capable of performing these activities.~~
- ~~B. Where applicable, dust samples shall be collected by an inspector technician or inspector/risk assessor in the following common areas:~~

~~1. In buildings three floors or less, collect samples from common areas adjacent to the sampled unit. Additional samples shall be collected in the following common areas:~~

~~\_\_\_\_\_ a. Entry area of building.~~

~~\_\_\_\_\_ b. First level landing above the ground floor.~~

~~2. In buildings containing four floors or more, collect samples from floor and window sills of common areas, if present.~~

~~3. The samples shall be sent for analysis to a laboratory recognized by EPA as being capable of performing these activities.~~

18 VAC 15-30-590. Paint samples.-(Repealed.)

~~\_\_\_\_\_ Any paint found to be deteriorated or any other area that the inspector/risk assessor, in his professional opinion, determines to be deteriorated shall be tested by an inspector technician or inspector/risk assessor according to the procedures outlined in this chapter.~~

18 VAC 15-30-600. Soil samples.-(Repealed.)

~~\_\_\_\_\_ Randomly selected soils samples shall be collected by an inspector technician or inspector/risk assessor and analyzed in order to adequately characterize the lead concentrations. Samples shall be collected in the following areas:~~

~~\_\_\_\_\_ 1. Exterior play area.~~

~~\_\_\_\_\_ 2. Areas containing bare soil.~~

~~\_\_\_\_\_ 3. Dripline/foundation areas.~~

~~\_\_\_\_\_ The samples shall be sent for analysis to a laboratory recognized by EPA as being capable of performing these activities.~~

18 VAC 15-30-610. Written risk assessment report.

A. After an assessment has been conducted, a written assessment report shall be completed. A risk assessment report shall contain the following minimum information:

1. Date of assessment.

2. Address of each buildings and residents.

- 1           3. Date of construction of ~~residences and each buildings~~ building.
- 2
- 3           4. ~~Unit~~ Apartment numbers (if applicable).
- 4
- 5           5. Name, address, and telephone number of ~~the~~ each owner of ~~residences and each~~
- 6           building.
- 7
- 8           6. ~~Name of each occupant of the residences and buildings at the time of~~
- 9           ~~assessment (if applicable).~~
- 10
- 11          76. Name, ~~and~~ signature, and license number of the certified licensed
- 12          ~~inspector/risk~~ assessor conducting the assessment, ~~including his certification~~
- 13          number.
- 14
- 15          87. Name, address, and telephone number of the firm employing each
- 16          ~~inspector/risk~~ assessor.
- 17
- 18          98. Name, address, and telephone number of each recognized laboratory
- 19          conducting analysis of collected samples.
- 20
- 21          ~~10. Any background information collected.~~
- 22
- 23          119. Results of the visual inspection.
- 24
- 25          1210. Testing method and sampling procedures for paint analysis employed.
- 26
- 27          1311. ~~Precise locations~~ Specific locations of ~~all~~ each painted ~~surfaces~~
- 28          ~~(components)~~ component tested for the presence of lead-based paint.
- 29
- 30          1412. All data collected from on-site testing, including quality control and, if
- 31          used, the serial number of any XRF device.
- 32
- 33          1513. All results of laboratory analysis on collected paint, soil, and dust samples.
- 34
- 35          1614. Any other sampling results.
- 36
- 37          1715. ~~An evaluation, to the extent that it is utilized as part of the hazard~~
- 38          ~~determination, of the adequacy of any previous inspections or analyses of the~~
- 39          ~~presence of lead based paint or other assessments of lead related hazards~~ Any
- 40          background information collected pursuant to 18 VAC 15-30-550 B 2.
- 41
- 42          1816. ~~A detailed description of recommended control strategies for reducing lead-~~
- 43          ~~based paint hazards and justification for the strategy selected, the locations~~
- 44          ~~where the recommended actions should take place, and a suggested~~
- 45          ~~prioritization for taking each action based on the immediacy of the hazard~~ To
- 46          the extent that they are used as part of the lead-based paint hazard

determination, the results of any previous inspections or analyses for the presence of lead-based paint, or other assessments of lead-based paint related hazards.

17. A description of the location, type, and severity of identified lead-based paint hazards and any other potential lead hazard.

18. A description of interim controls and/or abatement options for each identified lead-based paint hazard and a suggested prioritization for addressing each hazard. If the use of an encapsulant or enclosure is recommended, the report shall recommend a maintenance and monitoring schedule for the encapsulant or enclosure.

~~B. Reports and plans required by this section and 18 VAC 15-30-560 shall be maintained by the owner of the residence or building, and the certified individual or firm that conducted the risk assessment for no less than three years.~~

~~C. Reports and plans required by this section and 18 VAC 15-30-560 are subject 40 CFR Part 745, Subpart F, Disclosure of Known Lead Based Paint and/or Lead Based Paint Hazards upon Sale or Lease of Residential Property.~~

18 VAC 15-30-620. Abatement in target housing.

A. Abatement shall be conducted only by individuals certified licensed by the department board as a supervisor<sub>s</sub> or worker<sub>s</sub> and employed by a certified licensed lead abatement contractor.

~~B. A certified supervisor shall be assigned to each abatement project. The supervisor shall be available by telephone and be present physically at the work site within two hours of where abatement activities are being conducted.~~  
A licensed lead abatement supervisor is required for each abatement project and shall be on-site during all work site preparation and during the post-abatement cleanup of work areas. At all other times when abatement activities are being conducted, the licensed supervisor shall be on-site or available by telephone, pager or answering service, and able to be present at the work site in no more than two hours.

C. The certified licensed lead abatement supervisor and the certified licensed lead abatement firm contractor employing the supervisor are shall responsible for ensuring ensure that completion of all abatement activities are conducted according to the provisions requirements of this chapter and all other federal, state and local regulations.

~~D. Notification shall be sent to the Virginia Department of Labor and Industry prior to the commencement of abatement activities. The notification shall be~~

1 ~~sent in a manner prescribed by the Virginia Department of Labor and~~  
 2 ~~Industry.~~

3  
 4 D. A written occupant protection plan shall be developed for all abatement  
 5 projects and shall be prepared according to the following procedures:

6  
 7 1. The occupant protection plan shall be unique to each residential dwelling or  
 8 child-occupied facility and be developed prior to the abatement. The  
 9 occupant plan shall describe the measures and management procedures that  
 10 will be taken during the abatement to protect the building occupants from  
 11 exposure to any lead-based paint hazard.

12  
 13 2. A licensed lead abatement supervisor or lead project designer shall prepare  
 14 the occupant protection plan.

15  
 16 E. The following work practices shall be restricted during an abatement:

17  
 18 1. Open-flame burning or torching of lead-based paint is prohibited.

19  
 20 2. Machine sanding or grinding or abrasive blasting of lead-based paint is  
 21 prohibited unless used with High Efficiency Particulate Air (HEPA)  
 22 exhaust control which removes particles of 0.3 microns or larger from the  
 23 air at 99.97 percent or greater efficiency.

24  
 25 3. Dry scraping of lead-based paint is permitted only in conjunction with  
 26 heat guns or around electrical outlets or when treating defective paint  
 27 spots totaling no more than two square feet in any one room, hallway, or  
 28 stairwell or totaling no more than 20 square feet on exterior surfaces.

29  
 30 4. Operating a heat gun on lead-based paint is permitted only at temperatures  
 31 below 1100 degrees Fahrenheit.

32  
 33 F. Soil abatement, if conducted, shall be conducted in one of the following ways:

34  
 35 1. If soil is removed, the lead-contaminated soil shall be replaced with soil  
 36 that is not contaminated; or

37  
 38 2. If soil is not removed, the lead-contaminated soil shall be permanently  
 39 covered as defined in 18 VAC 15-30-20 of this chapter.

40  
 41 G. An abatement report shall be prepared by a licensed lead abatement supervisor  
 42 or lead project designer. The abatement report shall include the following  
 43 information:

44  
 45 1. Start and completion dates of abatement.  
 46

- 1                    2. The name and address of each licensed lead abatement contractor  
 2                    conducting the abatements, and the name of each licensed lead abatement  
 3                    supervisor assigned to the abatement project.
- 4
- 5                    3. The occupant protection plan prepared pursuant to 18 VAC 15-30-620 D.  
 6
- 7                    4. The name, address, and signature of each licensed risk assessor or  
 8                    inspector conducting clearance sampling and the date of clearance testing.
- 9
- 10                  5. The results of clearance testing, the name of each recognized laboratory  
 11                  that conducted the analysis, and the name and signature of the person  
 12                  conducting the analysis.
- 13
- 14                  6. A detailed written description of the abatement, including abatement  
 15                  methods used, locations of rooms and/or components where abatement  
 16                  occurred, and reason for selecting particular abatement methods for each  
 17                  component and any suggested monitoring of encapsulants or enclosures.

18  
 19 18 VAC 15-30-630. ~~Written project design.~~ (Repealed.)

- 20
- 21                  ~~A. A written project design shall be developed for lead abatement firms by a~~  
 22                  ~~certified planner/project designer.~~
- 23
- 24                  ~~B. Certified supervisors may develop the project design for projects with less than~~  
 25                  ~~10 units to be abated.~~
- 26
- 27                  ~~C. The written project design shall contain the following elements:~~
- 28
- 29                  ~~1. Measures taken to ensure worker protection which are consistent with all~~  
 30                  ~~federal, state and local regulations, hazard recognition and control procedures,~~  
 31                  ~~and information and training to be provided to abatement workers.~~
- 32
- 33                  ~~2. Measures taken to ensure compliance with all federal, state and local~~  
 34                  ~~environmental regulations.~~
- 35
- 36                  ~~3. An occupant protection program, unique to each unit and developed prior to~~  
 37                  ~~abatement, that describes the measures that will be taken during abatement to~~  
 38                  ~~protect the building occupants, the methods of verification that will be utilized~~  
 39                  ~~to document this protection, and contains the following:~~
- 40
- 41                  ~~a. In plans which require the relocation of occupants, post abatement dust~~  
 42                  ~~clearance levels must be met as described in this chapter.~~
- 43
- 44                  ~~b. Duration of abatement activities.~~
- 45
- 46                  ~~e. Access to facilities and exits.~~

d. Total area involved.

e. Specification of the use of containment.

18 VAC 15-30-640. ~~Pre-abatement soil samples.~~ (Repealed.)

1. ~~Prior to exterior abatement of lead-based paint, pre-abatement composite soil samples shall be taken. Soil samples shall consist of at least four subsamples taken next to the foundation or from the dripline below any exterior surfaces to be abated.~~
2. ~~The samples shall be sent for analysis to a laboratory recognized by EPA as being capable of performing these activities.~~
3. ~~This section shall not apply if the information is available from a current risk assessment.~~

18 VAC 15-30-650. Post-abatement clearance procedures.

The following post-abatement clearance procedures ~~for units that have been abated~~ shall be performed by a licensed inspector or certified licensed inspector/risk assessor:

1. Following an abatement, a visual inspection shall be performed by the licensed inspector technician or inspector/or licensed risk assessor to determine if there are any deteriorated painted surfaces or visible amounts of dust, debris, or residue still present. If deteriorated painted surfaces or visible amounts of dust, debris, or residue are present, these conditions must be ~~corrected and recleaned~~ eliminated prior to the continuation of the clearance procedures.
2. Following a successful visual inspection for clearance, but no sooner than one hour after completion of final post abatement clean-up, clearance ~~Surface dust samples sampling shall be conducted~~ Surface dust samples sampling shall be conducted ~~taken activities.~~
3. ~~All dust samples shall be sent for analysis to a laboratory recognized by EPA as being capable of performing these activities. Clearance sampling may be conducted by employing single-surface or composite sampling techniques, and shall be taken using documented methodologies that incorporate adequate quality control procedures.~~
4. ~~The following locations shall be sampled for lead containing dust by a certified inspector technician or inspector/risk assessor:~~ The following post-abatement clearance activities shall be conducted, as appropriate, based upon the extent or manner of abatement activities conducted in or to the residential dwelling or child-occupied facility.

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- a. ~~After removing lead based paint from components throughout a unit, three dust samples shall be taken from each area in every unit abated. One sample shall be taken from one window sill, one window well, and one floor of each area, if available. After conducting an abatement with containment between abated and unabated areas, one dust sample shall be taken from one window (if available) and one dust sample shall be taken from the floor of no less than four rooms, hallways, or stairwells within the containment area. In addition, one dust sample shall be taken from the floor outside the containment area. If there are less than four rooms, hallways, or stairwells within the containment area, then all rooms, hallways or stairwells shall be sampled.~~
  - b. ~~After removing lead based paint from components in a portion of the unit, procedures in subdivision 4 a of this section shall be followed and one sample from outside the containment area (within 10 feet) shall be taken. After conducting an abatement with no containment, two dust samples shall be taken from no less than four rooms, hallways, or stairwells in the residential dwelling or child-occupied facility. One dust sample shall be taken from one window (if available) and one dust sample shall be taken from the floor of each room, hallway, or stairwell selected. If there are less than four rooms, hallways, or stairwells within the residential dwelling or child-occupied facility, then all rooms, hallways, or stairwells shall be sampled.~~
  - c. ~~Following a complete replacement or encapsulation of surfaces coated with lead based paint, samples shall be taken from each area in every unit abated. One sample each shall be collected from window wells, window sills, and floors. Following an exterior paint abatement, a visible inspection shall be conducted. All horizontal surfaces in the outdoor living area closest to the abated surfaces shall be found to be cleaned of visible dust and debris. In addition, a visual inspection shall be conducted to determine the presence of paint chips on the dripline or next to the foundation below any exterior surface abated. If paint chips are present, they must be removed from the site and properly disposed of, according to all applicable federal, state, and local requirements.~~
  - d. ~~Following a partial replacement or encapsulation of surfaces coated with lead based paint, the procedures established in subdivision 4 c of this section shall be followed and one sample from outside the work area (within 10 feet) shall be taken.~~
5. ~~Following an exterior abatement, at least one sample shall be taken from an adjacent horizontal surface in the outdoor living area including, but not limited to, a patio, deck, porch, or stoop. The rooms, hallways, or stairwells~~

1 selected for sampling shall be selected according to documented  
 2 methodologies.

3  
 4 ~~6. In each area within an individual unit, the~~ The licensed inspector/ or licensed  
 5 risk assessor shall compare the residual lead dust levels (as determined by the  
 6 laboratory analysis) from each dust sample with the clearance levels for lead  
 7 in dust on applicable clearance levels for lead in dust on floors, window sills,  
 8 and windows, wells, and exterior surfaces, as established in the HUD  
 9 Guidelines for the Evaluation and Controls of Lead Based Paint Hazards in  
 10 Housing, June 1995, unless superseded by any other clearance levels. If any  
 11 of the area's the residual lead dust levels in a dust sample exceed these the  
 12 clearance levels, the area shall be cleaned again and retested until the  
 13 clearance levels are met all the components represented by the failed sample  
 14 shall be recleaned and retested until clearance levels are met. If dust levels  
 15 continue to exceed the clearance levels, alternate hazard control strategies  
 16 should be considered for use. Until all applicable clearance levels for lead in  
 17 dust are met, the area shall not be cleared for reoccupancy.

18  
 19 ~~7. Once all residual lead levels for an area meet or fall below the clearance levels~~  
 20 ~~for lead in dust and there is no deteriorated paint or visible dust present, the~~  
 21 ~~area shall be cleared for reoccupancy by the certified inspector/risk assessor.~~  
 22 In multi-family dwellings with similarly constructed and maintained residential  
 23 dwellings, random sampling for the purpose of clearance may be conducted  
 24 provided:

25  
 26 a. The licensed individuals who abate or clean the residential dwellings do  
 27 not know which residential dwelling will be selected for the random  
 28 sample.

29  
 30 b. A sufficient number of residential dwellings are selected for dust sampling  
 31 to provide a 95 percent level of confidence that no more than 5 percent or  
 32 50 dwellings (whichever is less) in the randomly sampled population  
 33 exceed the appropriate clearance levels.

34  
 35 c. The randomly selected residential dwellings shall be sampled and evaluated  
 36 for clearance according to the procedures found in this chapter.

37  
 38 18 VAC 15-30-651 Composite dust sampling.

39  
 40 Composite dust sampling may be used in situations specified in 18 VAC 15-30-  
 41 520 through 18 VAC 15-30-610. If such sampling is conducted, the following conditions  
 42 shall apply:

- 43  
 44 1. Composite dust samples shall consist of at least two aliquots;  
 45  
 46 2. Every component that is being tested shall be included in the sampling; and

- 1  
2 3. Composite dust samples shall not consist of aliquots taken from more than one  
3 type of component.  
4

5 18 VAC 15-30-660. ~~Soil clearance lead levels.~~ (Repealed.)  
6

7 ~~———— The following procedures for determining whether soil clearance lead levels have~~  
8 ~~been met shall be performed by a certified inspector technician or inspector/risk assessor:~~  
9

- 10 1. ~~Composite soil samples consisting of at least four subsamples shall be taken~~  
11 ~~after all exterior abatement work from the dripline or next to the foundation~~  
12 ~~below any exterior surfaces abated.~~  
13  
14 2. ~~Samples shall be sent for analysis to a laboratory recognized by EPA as being~~  
15 ~~capable of performing these activities.~~  
16  
17 3. ~~A statistical analysis such as, but not limited to, a paired student T test shall be~~  
18 ~~used to determine if the post abatement soil lead level had increased at a~~  
19 ~~statistically significant level (significant at the 95% confidence limit) from the~~  
20 ~~pre-abatement soil lead level following exterior abatement activities.~~  
21  
22 a. ~~If soil lead levels do not show a statistically significant increase in lead~~  
23 ~~concentrations based on a statistical analysis at the 95% confidence limit~~  
24 ~~after abatement, no remediation is required.~~  
25  
26 b. ~~If soil lead levels do show a statistically significant increase, above any~~  
27 ~~applicable federal or state standard for lead in residential soil, based on the~~  
28 ~~statistical analysis at the 95% confidence limit, the measured level of lead in~~  
29 ~~the soil shall be remediated back to the pre-abatement level or abatement of~~  
30 ~~the soil shall be conducted according to the provisions of this chapter.~~  
31

32 18 VAC 15-30-670. ~~Waste disposal.~~ (Repealed.)  
33

34 ~~———— All waste generated from a lead based paint abatement project shall be disposed~~  
35 ~~in accordance with the requirements of the Resource Conservation and Recovery Act (42~~  
36 ~~USC § 6901 et seq.) and any other applicable federal, state and local laws and~~  
37 ~~regulations.~~  
38

39 18 VAC 15-30-680. ~~Supervisor's report.~~ (Repealed.)  
40

- 41 A. ~~The following information shall be recorded in a written report by the certified~~  
42 ~~supervisor when conducting abatement for lead based paint:~~  
43

- 44 1. ~~Start and completion dates of abatement.~~  
45

- 1           2. ~~The name and address of each certified firm conducting the abatements, and the~~  
 2           ~~name of each supervisor assigned to the abatement project.~~
- 3
- 4           3. ~~The name, address and signature of each certified inspector/risk assessor or~~  
 5           ~~inspector technician conducting clearance sampling and the date of clearance~~  
 6           ~~testing.~~
- 7
- 8           4. ~~The results of clearance testing, the name of each recognized laboratory that~~  
 9           ~~conducted the analysis, and the name and signature of the person conducting~~  
 10          ~~the analysis.~~
- 11
- 12          5. ~~A detailed written description of the abatement, including abatement methods~~  
 13          ~~used, locations of rooms or components or both where abatement occurred, and~~  
 14          ~~reason for selecting particular abatement methods for each component.~~
- 15
- 16          6. ~~Information on the storage, transport and disposal of any hazardous waste~~  
 17          ~~generated during abatement.~~
- 18
- 19          B. ~~The report described in subsection A of this section and the written abatement~~  
 20          ~~plan noted in 18 VAC 15 30 630 shall be maintained by the building owner~~  
 21          ~~and certified firm conducting the abatement activity for no less than three~~  
 22          ~~years and are subject to 40 CFR Part 745, Subpart F, Disclosure of Known~~  
 23          ~~Lead Based Paint and/or Lead Based Paint Hazards upon Sale or Lease of~~  
 24          ~~Residential Property.~~

25

26 ~~18 VAC 15-30-690. Identification of lead based paint in public buildings. (Repealed.)~~

27

- 28          A. ~~The procedures, requirements and standards in 18 VAC 15 30 520, 18 VAC~~  
 29          ~~15 30 530, and 18 VAC 15 30 540 shall be followed when identifying lead-~~  
 30          ~~based paint in public buildings.~~
- 31
- 32          B. ~~All information collected from the identification of lead based paint in public~~  
 33          ~~buildings as described in subsection A of this section shall be maintained by~~  
 34          ~~the regulant for not less than three years.~~

35

36 ~~18 VAC 15-30-700. Risk assessment for public buildings. (Repealed.)~~

37

- 38          A. ~~The standards in 18 VAC 15 30 550, 18 VAC 15 30 560, 18 VAC 15 30 570,~~  
 39          ~~subdivision 2 of 18 VAC 15 30 580, 18 VAC 15 30 590, 18 VAC 15 30 600,~~  
 40          ~~and 18 VAC 15 30 610, as applicable, shall be followed when conducting a~~  
 41          ~~risk assessment in public buildings.~~
- 42
- 43          B. ~~All information collected from a risk assessment in public buildings as~~  
 44          ~~described in subsection A of this section shall be maintained by the owner of~~  
 45          ~~the building and certified firm responsible for the risk assessment for not less~~  
 46          ~~than three years.~~

1  
2 18 VAC 15-30-710.—~~Abatement in public buildings. (Repealed.)~~

3  
4 ~~A. The standards in 18 VAC 15-30-620 through subdivision 4 of 18 VAC 15-30-~~  
5 ~~650 and 18 VAC 15-30-670 shall be followed when abating a public building.~~

6  
7 ~~B. All reports required in 18 VAC 15-30-680 shall be maintained by the building-~~  
8 ~~owner and the certified firm conducting the abatement activity for a period of~~  
9 ~~not less than three years.~~

10  
11 18 VAC 15-30-720.—~~Demolition in public and commercial buildings and superstructures.~~  
12 ~~(Repealed.)~~

13  
14 ~~———— The following standards shall be followed when conducting demolition in public~~  
15 ~~and commercial buildings and steel structures:~~

16  
17 ~~1. A certified supervisor shall, through a review of available documents, obtain~~  
18 ~~any relevant historical information on use of lead based paint on the building~~  
19 ~~or structures.~~

20  
21 ~~2. Whenever deleading is conducted as part of a demolition, such as welding,~~  
22 ~~burning, or torch cutting of lead based paint, the standards and procedures~~  
23 ~~prescribed in 18 VAC 15-30-740 shall be followed.~~

24  
25 18 VAC 15-30-730.—~~Standards for identification of lead based paint in commercial~~  
26 ~~buildings and superstructures. (Repealed.)~~

27  
28 ~~———— The following standards shall be followed when conducting lead based paint~~  
29 ~~identification in commercial buildings and superstructures:~~

30  
31 ~~1. A certified supervisor shall, through a review of available documents, obtain~~  
32 ~~any relevant historical information on use of lead based paint on the building~~  
33 ~~or structure.~~

34  
35 ~~2. If the presence of lead based paint cannot be established as specified in~~  
36 ~~subdivision 1 of this section for the portion of the building or structure or the~~  
37 ~~entire building or structure, a visual inspection and limited sampling shall be~~  
38 ~~conducted at the rate of one sample per 1,000 square feet of surface with a~~  
39 ~~distinct painting history, including any distinct finish color and maintenance~~  
40 ~~painting, within the area that the historical review was not conclusive.~~

41  
42 ~~3. Samples shall be analyzed by a laboratory recognized by EPA as being capable~~  
43 ~~of performing these activities.~~

44  
45 ~~4. The following information shall be recorded in a written report by the certified~~  
46 ~~supervisor when conducting lead identification activities:~~

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- ~~a. Date of identification activity.~~
- ~~b. Name and signature of each person making the identification.~~
- ~~c. Determination of existence of lead based paint based on the results of testing.~~
- ~~d. The name and address of each recognized laboratory doing paint analysis, date of analysis, results of analysis, and name of person performing the analysis.~~

~~5. All reports required under this section shall be maintained by the owner or operator of such structure or building until such time that the structure or portion of the structure that was involved in the identification is repainted.~~

~~18 VAC 15-30-740. Deleading of lead based paint in commercial buildings and superstructures.-(Repealed.)~~

- ~~A. Deleading shall only be conducted by persons certified by the department.~~
- ~~B. A supervisor, certified by the department for deleading on superstructures and commercial buildings, shall be assigned to the deleading project and available at all times when deleading activities are being conducted.~~
- ~~C. The supervisor and the certified firm are responsible for ensuring completion of all deleading activities conducted on superstructures and commercial buildings according to the provisions of this chapter.~~
- ~~D. A written deleading plan shall be prepared by a certified supervisor and shall contain the following elements:
 
  - ~~1. Measures taken to ensure worker protection which are consistent with all federal, state and local regulations, hazard recognition and control procedures, and information and training to be provided to deleading workers.~~
  - ~~2. Measures taken to ensure compliance with all federal, state, and local environmental regulations.~~~~
- ~~E. All waste shall be disposed of in accordance with the appropriate requirements of the Resource Conservation and Recovery Act (42 USC § 6901 et seq.) and any applicable federal, state, and local requirements.~~
- ~~F. A report containing the following information shall be maintained by a certified firm when conducting deleading activities on superstructures and commercial buildings:~~

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- ~~1. Start and completion dates of deleading.~~
- ~~2. Names and addresses, as well as signatures of each supervisor of the deleading activity and their certification number.~~
- ~~3. The name and address of each certified firm and the recognized laboratory doing any analysis, date of analysis and name and signature of each person performing the analysis.~~
- ~~4. A detailed written description of the deleading methods used.~~
- ~~5. Identification of storage and disposal sites of all hazardous waste.~~
- ~~6. Reports required under this section shall be maintained by the owner or oversight agency of such structure until the structure or portion of that structure is repaired.~~

18 VAC 15-30-750. ~~Soil abatement procedures.~~ (Repealed.)

- ~~A. Abatement shall only be conducted by persons certified by the department.~~
- ~~B. A supervisor, certified by the department, shall be assigned to the abatement project and available at all times when abatement activities are being conducted.~~
- ~~C. The supervisor and the certified firm are responsible for ensuring that all soil abatement activities are conducted according to the provisions of this chapter.~~
- ~~D. Soil abatement shall be conducted in one of the following ways:
 
  - ~~1. If soil removal is to be conducted, the lead contaminated soil shall be removed to a depth determined by the inspector/risk assessor until the EPA promulgates a regulation pursuant to § 403 of TSCA (15 USC § 2683) defining lead-contaminated soil.~~
  - ~~2. If, after removal, the soil is to be replaced, the soil shall be replaced with noncontaminated soil, to prevent any recontamination that would pose a lead hazard.~~
  - ~~3. If the contaminated soil is not removed, it shall be permanently covered.~~~~
- ~~E. Soil abatement shall be conducted in a way that minimizes the likelihood that significant amounts of lead contaminated soil and dust will be blown from the site or carried away by water run off.~~

~~F. The following information shall be recorded in a written report by a certified firm when conducting soil abatement:~~

~~1. Start and completion dates of deleading.~~

~~2. Names and addresses, as well as signatures of each supervisor of the deleading activity and their certification number.~~

~~3. The name and address of each certified firm and the recognized laboratory doing any analysis, date of analysis, and name and signature of each person performing the analysis.~~

~~4. The results of clearance or monitoring analysis, or both, conducted by recognized laboratories.~~

~~5. A detailed written description of the abatement, including abatement methods used, locations of abatement, and reason for selecting each abatement method.~~

~~6. Identification of storage and disposal sites of all hazardous waste.~~

~~G. Notification of the commencement of the soil abatement shall be submitted to the Virginia Department of Labor and Industry according to the procedures established by the Department of Labor and Industry.~~

~~H. All reports required by this section shall be maintained by the owner or the oversight agency of the site where soil abatement occurred and the certified firm which performed the abatement for not less than three years.~~

PART X.

STANDARDS OF PRACTICE AND CONDUCT.

18 VAC 15-30-760. Responsibility to the public.

The primary obligation of the regulant is to the public. If the regulant's judgment is overruled under circumstances when the safety, health, property, and welfare of the public are endangered, the regulant shall inform the employer or client of the possible consequences and notify appropriate authorities if the situation is not resolved. The regulant shall take such action only when his authority to correct a problem has been ignored or overruled.

18 VAC 15-30-770. Public statements.

A. The regulant shall be truthful in all matters relating to the performance of lead abatement or lead consulting services.

1 B. When serving as an expert or technical witness, the regulant shall express an  
 2 opinion only when it is based on an adequate knowledge of the facts in issue  
 3 and on a background of technical competence in the subject matter. Except  
 4 when appearing as an expert witness in court or an administrative proceeding  
 5 when the parties are represented by counsel, the regulant shall issue no  
 6 statements, reports, criticisms, or arguments on matters relating to practices  
 7 which are inspired or paid for by an interested party or parties, unless one has  
 8 prefaced the comment by disclosing the identities of the party or parties on  
 9 whose behalf the regulant is speaking, and by revealing any self-interest.

10  
 11 C. Regulants or applicants shall not knowingly make a materially false statement,  
 12 submit falsified documents, or fail to disclose a material fact requested in  
 13 connection with an application submitted to the board by any individual or  
 14 business entity for ~~certification~~ licensure or renewal.

15  
 16 18 VAC 15-30-780. Solicitation of work.

17  
 18 In the course of soliciting work:

- 19  
 20 1. The regulant shall not bribe.  
 21  
 22 2. The regulant shall not falsify or permit misrepresentation of the regulant's work  
 23 or an associate's academic or professional qualifications, nor shall the regulant  
 24 misrepresent the degree of responsibility for prior assignments.  
 25  
 26 3. Materials used in the solicitation of employment shall not misrepresent facts  
 27 concerning employers, employees, associate joint ventures, or past  
 28 accomplishments of any kind.  
 29  
 30 4. Materials used in the solicitation of services shall not misrepresent facts of  
 31 approval, federal, or state requirements.  
 32

33 18 VAC 15-30-790. Professional responsibility.

34  
 35 A. The regulant shall, upon request or demand, produce to the board, or any of its  
 36 representatives, any plan, document, book, record or copy thereof in his  
 37 possession concerning a transaction covered by this chapter, and shall  
 38 cooperate in the investigation of a complaint filed with the board.  
 39

40 B. A ~~regulant~~ licensee or approved entity shall not use the design, plans, or work  
 41 of another ~~regulant~~ licensee or approved entity with the same type of license  
 42 without the original's ~~professional's~~ knowledge and consent, and after consent,  
 43 a thorough review to the extent that full responsibility ~~shall~~ may be assumed by  
 44 the user.  
 45

1           C. Accredited lead training providers shall admit board representatives for the  
 2           purpose of conducting an on-site audit, or any other purpose necessary to  
 3           evaluate compliance with this chapter and other applicable laws and  
 4           regulations.

5  
 6 18 VAC 15-30-800. Good standing in other jurisdictions.

7  
 8           A. ~~Regulants certified to who practice perform planning/lead project designs, lead~~  
 9           ~~inspections, lead risk assessments, lead-based paint abatement training,~~  
 10           ~~contractual lead contracting or lead abatement supervisor work in other~~  
 11           ~~jurisdictions shall be in good standing in every jurisdiction where licensed,~~  
 12           ~~certified, or approved and shall not have had a license, certification, or~~  
 13           ~~approval suspended, revoked, or surrendered in connection with a disciplinary~~  
 14           ~~action.~~

15  
 16           B. Regulants shall notify the ~~department~~ board in writing no later than 10 days  
 17           after the final disciplinary action taken by another jurisdiction against their  
 18           license or approval to conduct lead-based paint activities.

19  
 20           C. Regulants may be subject to disciplinary action ~~against their Virginia~~  
 21           ~~certification or removal of a lead accredited training program accreditation~~ for  
 22           disciplinary actions taken by another jurisdiction.

23  
 24 18 VAC 15-30-810. Grounds for denial of application, denial of renewal, or discipline.

25  
 26           A. The board shall have the authority to ~~deny application for and to deny renewal~~  
 27           ~~of a certification or accredited training program as well as to discipline a~~  
 28           ~~certified individual, a certified firm, an accredited training program, or~~  
 29           ~~individual instructors~~ fine any licensee or accredited lead training provider or  
 30           instructor, and to deny renewal, suspend, revoke or deny application for any  
 31           license or approval as an accredited lead training provider or instructor  
 32           provided for under Chapter 5 of Title 54.1 of the Code of Virginia for the  
 33           following reasons:

34  
 35           1. ~~The certified individual, certified firm, accredited training program, training~~  
 36           ~~manager, principal instructor or work practice instructor violates~~ Violating  
 37           or induces inducing another person to violate any of the provisions of  
 38           Chapter 1, 2, 3, or 5 of Title 54.1 of the Code of Virginia, or any of the  
 39           provisions of this chapter.

40  
 41           2. ~~The regulant obtained his certification or accredited training program~~  
 42           ~~approved through fraudulent means.~~ Obtaining a license or the approval as  
 43           an accredited lead training provider through fraudulent means.  
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- 3. ~~The regulant or applicant has altered~~ Altering a Virginia lead certification license issued by the department board or a training certificate issued by an accredited lead training program provider.
- 4. ~~The certified individual, certified firm, accredited training program, training manager, principal instructor or work practice instructor violates any provision of this chapter.~~
- 54. ~~The regulant has~~ Having been found guilty by the board, an administrative body another regulatory authority, or by a court, of any material misrepresentation in the course of performing his operating duties.
- 65. ~~Subject to the provisions of §54.1-204 of the Code of Virginia, The regulant has~~ having been convicted or found guilty, regardless of adjudication in any jurisdiction of the United States, of any felony or of any misdemeanor involving lying, cheating, or stealing, or of any violation while engaged in environmental remediation activity which resulted in the significant harm or the imminent and substantial threat of significant harm to human health or the environment there being no appeal pending therefrom or the time for appeal having elapsed. Any plea of nolo contendere shall be considered a conviction for the purposes of this chapter. The record of a conviction authenticated in such form as to be admissible as evidence under the laws of the jurisdiction where convicted, A certified copy of the final order, decree or case decision by a court or regulatory agency with lawful authority to issue such order, decree or case decision shall be admissible as prima facie evidence of such conviction or discipline.
- 76. Failing to notify the board in writing within 30 days of pleading guilty or nolo contendere or being convicted or found guilty of any felony or of any misdemeanor involving lying, cheating, or stealing or of any violation while engaged in environmental remediation activity which resulted in the significant harm or the imminent threat of significant harm to human health or the environment.
- 87. Negligence, or a continued pattern of incompetence, in the practice of the discipline in which a certification lead license is held.
- 98. Failing or neglecting to send any information or documentation that was requested by the board or its representatives.
- 109. Refusing to allow state or federal representatives access to any area of an abatement site for the purpose of warranted lawful compliance inspections.

B. Any individual or firm whose ~~certification~~ license or approval as an accredited ~~lead training program provider~~ is revoked under this section shall not be eligible to reapply for a period of one year from the effective date of the final order of

1 revocation. The individual or firm shall meet all education, experience, and  
 2 training requirements, complete the application, and submit the required fee for  
 3 consideration as a new applicant.  
 4

5 18 VAC 15-30-820. Suspension or revocation of approval of an accredited lead training  
 6 program provider.  
 7

8 A. The board may, ~~after notice and an opportunity for hearing,~~ suspend, revoke, or  
 9 modify an accredited lead training program's approval if an accredited lead  
 10 training ~~program provider,~~ training manager, or other person with supervisory  
 11 authority over the training program has:  
 12

- 13 1. Misrepresented the contents of a training course to the board or the student  
 14 population.
- 15
- 16 2. Failed to submit required information or notification in a timely manner.  
 17
- 18 3. Failed to maintain required records.  
 19
- 20 4. Falsified accreditation records, instructors qualifications, or other accreditation  
 21 information.  
 22
- 23 5. Failed to comply with the federal, state, or local lead-based paint statutes or  
 24 regulations.  
 25

26 B. The board shall conduct disciplinary procedures in accordance with the  
 27 Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia).  
 28

29 **PART XI.**  
 30 **FEE SCHEDULE.**

31  
 32 18 VAC 15-30-830. ~~Fees.~~ (Repealed.)  
 33

34	CATEGORY	FEE AMOUNT
35		
36	Lead Contractor Certification	\$50
37	Renewal	\$50
38	Late Renewal	\$75
39		
40	Lead Worker Certification	\$35
41	Renewal	\$35
42	Late Renewal	\$60
43		
44	Lead Supervisor Certification	\$35
45	Renewal	\$35
46	Late Renewal	\$60

1	
2	———— Inspector Technician Certification ————— \$35
3	———— Renewal ————— \$35
4	———— Late Renewal ————— \$60
5	
6	———— Inspector/Risk Assessor ————— \$35
7	———— Renewal ————— \$35
8	———— Late Renewal ————— \$60
9	
10	———— Planner/Project Designer ————— \$35
11	———— Renewal ————— \$35
12	———— Late Renewal ————— \$60
13	
14	———— Dishonored Check Service Fee ————— \$25
15	
16	18 VAC 15-30-840.—Evaluation of training courses. (Repealed.)
17	
18	———— Lead Worker Course (16 hours) ————— \$800
19	———— Refresher Course (7 hours) ————— \$400
20	———— Renewal ————— \$100
21	
22	———— Lead Supervisor Course (40 hours) ————— \$2,000
23	———— Refresher Course (7 hours) ————— \$400
24	———— Renewal ————— \$100
25	
26	———— Inspector Technician (24 hours) ————— \$1,200
27	———— Refresher Course (7 hours) ————— \$400
28	———— Renewal ————— \$100
29	
30	———— Inspector/Risk Assessor (16 hours) ————— \$800
31	———— Refresher Course (7 hours) ————— \$400
32	———— Renewal ————— \$100
33	
34	———— Planner/Project Designer (40 hours) ————— \$2,000
35	———— Refresher Course (7 hours) ————— \$400
36	———— Renewal ————— \$100
37	